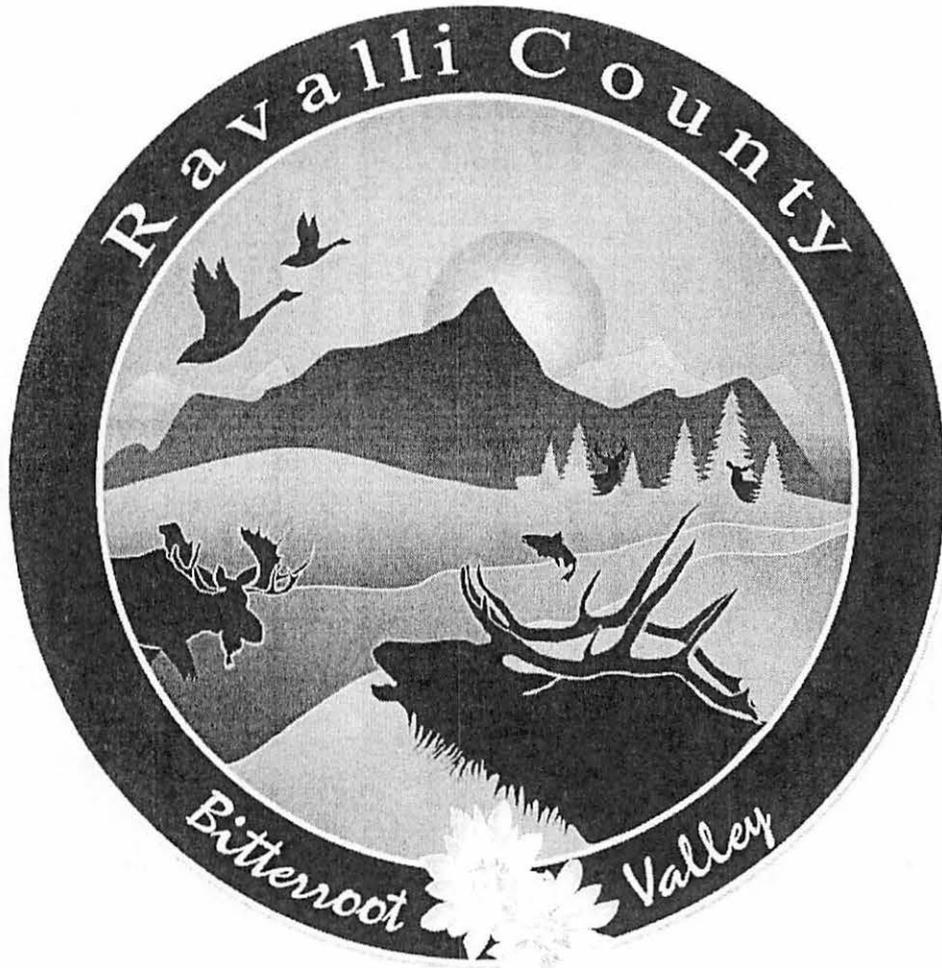


RAVALLI COUNTY MONTANA
PERSONNEL POLICIES
&
EMPLOYEE HANDBOOK



RAVALLI COUNTY
STATE OF MONTANA

ADOPTED: JULY 1, 2016

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A RESOLUTION TO ADOPT THIS HANDBOOK OF PERSONNEL POLICIES AND PROCEDURES, SUPERSEDING ALL OTHER PERSONNEL POLICIES AND PROCEDURES

WHEREAS, the Ravalli County Board of County Commissioners desires to establish uniform policies and procedures for personnel administration;

NOW, THEREFORE, BE IT HEREBY RESOLVED that this Ravalli County Handbook of Personnel Policies and Procedures be adopted, effective _____, 201____.

BOARD OF COUNTY COMMISSIONERS FOR
_____ COUNTY, MONTANA

Commission Presiding Officer

Commissioner

Commissioner

Commissioner

Commissioner

Employee Handbook Acknowledgment and Receipt

I have received my copy of the Employee Handbook.

The employee handbook describes important information about Ravalli County, and I understand that I should consult my supervisor or Human Resources regarding any questions not answered in the handbook. I have entered into my employment relationship with Ravalli County voluntarily and acknowledge that there is no specified length of employment.

This handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with Ravalli County. By distributing this handbook, the County expressly revokes any and all previous policies and procedures that are inconsistent with those contained herein.

I understand that any and all policies and practices may be changed at any time by Ravalli County and the County reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the Board of County Commissioners has the authority to adopt any revisions to the policies in this handbook.

I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document.

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Employee's Signature

Employee's Name (Print)

Date

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

WELCOMING STATEMENT

We consider the employees of Ravalli County our most valuable resource and are confident that you will find Ravalli County a dynamic and rewarding place in which to work. This handbook has been written to serve as the guide for the employer/employee relationship. The purpose of these policies and procedures is to:

- Provide fair and consistent human resource management practices at Ravalli County
- Provide guidance to county employees, supervisors and department heads based on sound employment practices, and
- Comply with state and federal employment law

There are several things to keep in mind about this handbook. First, it contains only general information and guidelines and it is not intended to be comprehensive, or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to your supervisor or the Human Resource Department. Neither this handbook, nor any other county document(s) confers any contractual right; either express or implied, to remain in the County's employment, nor does it guarantee any fixed terms and conditions of your employment. No supervisor or other representative of the County has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.

In some places you will note citations to applicable state and federal laws, such as Montana Code Annotated (MCA) and the Code of Federal Regulations (CFR), which will lead you to further relevant information if you so desire it. If you need more information on any policy, you can contact Human Resources personnel or the Ravalli County Commissioners.

We are happy to have you with us in providing essential civic services, and we look forward to a productive and successful working relationship.

Statement of Management Rights

In order to achieve its mission, goals and objectives, the County retains the exclusive right to exercise the customary functions of management. These include, but are not limited to, the rights to manage and control County buildings, property, grounds, and equipment; to contract out work; to select, hire, promote, assign, layoff, and discipline employees; to determine and change starting times and quitting times; to transfer employees within programs/services to other departments and other classifications; to train employees; to determine and change the size, composition, and qualifications of the workforce; to establish and adopt new policies, rules and regulations; to determine and modify job descriptions and classifications; to establish or change criteria for performance appraisals according to the performance appraisal policy; and to carry out all other ordinary functions of management.

Severability Statement

If any part of this Handbook is found to be unenforceable, invalid, or in conflict with the law, the other provisions of this Handbook are still applicable and valid.

Changes to Personnel Policies and Procedures

The County provides all employees with general information regarding employee benefits and established personnel policies and procedures through the issuance of this Handbook. However, it is not a contract and is subject to change at any time. Policies and procedures shall be added to, updated, or deleted as determined appropriate by the County. The County specifically reserves the right to repeal, modify or amend these policies at any time, with a minimum of 48 hours public notice. Changes in policy will be provided to all employees in the first payroll following adoption. These policies are not to be interpreted as promises of specific treatment.

Collective Bargaining Agreements

If you are a member of a collective bargaining unit subject to a Collective Bargaining Agreement (CBA), the CBA primarily governs your employment with the County. Many items listed under the benefit section are negotiated separately in a CBA. If the CBA does not address an issue, the personnel policies and procedures in this Handbook shall apply. In the event of conflict between provisions in this Handbook and any CBA, state or federal law, or resolution or rule of the County, the terms and conditions of such CBA, law, or County resolution, or rule shall prevail.

DIVERSITY

Equal Employment Opportunity Statement

Relevant Information: Title VII of the Civil Rights Act of 1964, Montana Human Rights Act, Title 49, MCA

Ravalli County provides Equal Employment Opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. Ravalli County complies with applicable Federal and State law governing nondiscrimination in employment in every location in which the county has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, and transfer, leaves of absence, compensation and training.

Ravalli County expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of Ravalli County employees to perform their expected job duties is absolutely not tolerated.

Any applicant for employment with the County, or employee who believes he or she has been subjected to discrimination, including harassment, based upon any of these factors, should immediately contact their Direct Supervisor, the Human Resource Director or the County Commissioners.

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

Relevant Information: The Genetic Information Nondiscrimination Act of 2008

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

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

Ravalli County's Anti-harassment Policy and Complaint Procedure

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

Ravalli County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Ravalli County expects that all relationships among persons in the departments/offices will be business-like and free of bias, prejudice and harassment.

It is the policy of Ravalli County to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. Ravalli County prohibits any such discrimination or harassment.

Ravalli County encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Ravalli County to promptly and thoroughly investigate such reports. Ravalli County also prohibits retaliation against any employee because he or she has made a legitimate report of alleged harassment or discrimination, or against any employee who has testified, assisted, or participated in any manner in an investigation of a report. Discrimination is a violation of civil rights law and is a prohibited practice subject to disciplinary and civil action.

What Constitutes Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example;

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that

- a) has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- b) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on county time or using county equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to Ravalli County (e.g., an outside vendor, consultant or citizen).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Employee's Responsibilities

The County will not tolerate sexual harassment or discrimination of any kind. All employees are encouraged to immediately report any such misconduct or violation to their supervisors or the first level of management not involved in the harassment or discrimination, County Human Resources or a member of the Ravalli County Commissioners. Employees who are responsible for harassment or discrimination may be subject to disciplinary action, up to and including termination.

Management's Responsibilities

All supervisors and managers are responsible for following this policy. Members of management who witness discrimination shall immediately take steps to stop the behavior, document the actions, and report the behavior to County Human Resources, or a member of the Ravalli County Commissioners. Management shall review any report or complaint of harassment or discrimination and take appropriate action. Upon receipt of a complaint alleging harassment or discrimination, the department head or the Commission shall take steps to prevent the alleged conduct from continuing, pending completion of an investigation.

Employees who are responsible for harassment or discrimination may be subject to disciplinary action, up to and including termination. Sexual harassment or other illegal discrimination can result in immediate termination if an investigation substantiates it. The severity and extent of the harassment will ultimately guide the decision on how discipline will be determined.

Complaint Process

Individuals who believe they have been the victims of conduct prohibited by this policy or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, elected official, or Human Resources. When possible, Ravalli County encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this

action alone will resolve the problem. Ravalli County recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Ravalli County encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The department head shall initiate an investigation or recommend another appropriate management representative to investigate the complaint. The factual report and final decision will remain confidential and be disseminated to only those persons having a need to know. The parties will be informed of the general results of the investigation. If the results establish that a policy violation occurred, appropriate action may be taken including, but not limited to, disciplinary measures up to and including termination.

The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation, the employee's right to privacy and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.

If a party to a complaint does not agree with the resolution, that party may appeal to the Ravalli County's Board of County Commissioners.

False and malicious complaints of harassment, discrimination or retaliation may be subject to appropriate disciplinary action up to and including termination.

Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)

Relevant information: Americans with Disabilities Act of 1990

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of Ravalli County to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is Ravalli

County's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment. Applicants for employment should submit a request for a reasonable accommodation in writing with their application.

The County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to Ravalli County. Ravalli County will provide reasonable accommodation for the religious beliefs of employees provided it does not constitute an undue hardship for the County.

Employees may request a reasonable accommodation by contacting the Elected Official/Department Head or the County's Human Resource Department. Once a dialogue has been established between the employer and employee regarding the requested accommodation, the employee may be asked to submit the request in writing and provide verification of the need for accommodation. Employees will be provided written confirmation regarding the determination of the requested reasonable accommodation.

Contact the Human Resource department with any questions or requests for accommodation.

EMPLOYMENT

Employee Classification Categories

Relevant information: 2-18-601 through 621 MCA and 2-18-101 MCA

The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Upon hire, all County employees shall be assigned to one of the following employment categories contingent upon successful completion of the applicable probationary period.

All County employees are designated as either nonexempt or exempt under state and federal wage and hour laws.

Nonexempt employees are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law's requirements concerning minimum wage and overtime.

Exempt employees are employees not subject to the overtime pay provisions of the federal Fair Labor Standards Act of 1938 (FLSA) as amended, and its regulations; i.e. Employees exempt from the overtime pay provisions of the FLSA and in a position designated as executive, administrative, professional, or other exemption as these terms are defined in law. The employee must meet the definition of *exempt* as defined by the FLSA and the Montana Minimum Wage and Overtime Compensation Act. Exempt employees are limited to 40 hours of compensatory time that are not reimbursable at termination.
(See FLSA website <http://www.dol.gov/compliance/laws/comp-flsa.htm>.)

Classifications All Ravalli County employees shall be assigned to one of the following categories for both nonexempt and exempt employees contingent upon successful completion of the applicable probationary period:

Permanent Employee: "Permanent" means an employee who is not employed under a probationary status or those hired as Temporary or Short Term employees and is not a contractual agreement regarding an employee's length of service.

Regular or Permanent Full-Time Employee: Employees who are not employed under a probationary status, or classified as temporary or short term employee and who are regularly scheduled to work the County's full-time schedule of 40 hours per week on a continuous basis and do not have a specified termination date at the time of hire. These employees are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefits program.

Regular or Permanent, Part-Time: Employees who are not employed under a probationary status or classified as temporary or short term employees and who are regularly scheduled to work less than 40 hours per week a continuous basis, and do not have a specified termination date at the time of hire. Permanent Part-time employees scheduled to work at least twenty (20) or more hours per week are eligible for all employee benefits on a pro-rated basis. Those scheduled for less than twenty (20) hours

per week shall not be entitled to employee benefits other than those required by State law, but are eligible for holiday pay, sick leave, and annual leave on a pro-rated basis.

Seasonal Employees: Seasonal means a permanent employee assigned to perform duties of a seasonal nature. Seasonal employees may be assigned as either full time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week). Seasonal employees may, at the discretion of the County, be recalled without the loss of benefits accrued during the preceding season. In order to qualify, they must be recalled and immediately report back for work when operations resume to avoid a break in service. Seasonal employees are not eligible for employee benefits other than those required by State law but are eligible for holiday pay, sick leave, and annual leave as permanent employees.

On-call Employee: Employees who are not employed under a probationary status, do not have a regular schedule, but are called to work intermittently as workload, absences or emergency situations may require and do not have a specified termination date at the time of hire. On-call employees are not eligible for benefits.

Temporary employees: are those who are hired, either on a part-time or full-time basis, for a specified period of time not to exceed twelve (12) months. Temporary employees are not permanent employees, are terminated at the end of the employment period, and are not eligible to become permanent employees without a competitive selection process. A temporary employee may be terminated at any time at the discretion of the Elected Official/Department Head. Temporary employees are not eligible for employee benefits other than those required by State law but are eligible for holiday pay, sick leave, and annual leave.

Short-term Employee: means an employee assigned as a short-term worker, who works at an hourly rate of pay established by the County. Short-term workers may not work for a County department for more than ninety (90) days in a continuous twelve (12) month period. They are not eligible to become a permanent employee without a competitive selection process. Short-term workers are not eligible for benefits.

Fixed-Length Contract: "Fixed-length contract" means an employee who is employed under a written contract subject to a specified term. The employment of an employee employed under a fixed-length contract terminates at the end of the term of the contract unless the term of employment is sooner terminated. Fixed-length contract employees are entitled to those benefits specified in the contract and those required by law.

RAVALLI COUNTY RECRUITMENT AND SELECTION PROCESS, STATEMENT OF POLICY

Relevant Information: MCA 49-3-201

It is the policy of Ravalli County to County provides a fair, consistent, and competitive hiring process based on each applicant's qualifications and competencies. County department heads may recruit applicants internally or externally in the recruitment and selection process. The County will use a selection process that is designed to select the best candidate based on merit and qualifications without regard to race, color, creed, political affiliation, gender, age, marital

status, physical or mental handicap or national origin, except where bona fide occupational qualification is reasonably necessary to a County operation. All statutory preferences shall be provided as required by law.

All New Hire Positions, whether it is a newly created position or a vacancy in an existing position, must be approved by the Ravalli County Board of County Commissioners.

Current County employees are encouraged to apply for available positions if they feel it is in their best interest to do so. Internal applicants who meet the minimum qualifications will be evaluated with the total pool of applicants.

The County reserves the right to reject any and all applications for the position and re-advertise if it feels that there is not a sufficient number of qualified applicants.

Veterans' Employment Preference

Relevant Information: 39-29-101 MCA, 39-29-102 MCA

It is the policy of Ravalli County to provide preference in employment to eligible disabled veterans, other veterans and eligible relatives as required in 39-29-101, et seq., MCA. In all external hiring, veterans are entitled to a 5% preference and eligible relatives and disabled veterans are entitled to a 10% preference when a scored procedure is used. In all external hiring where a scored procedure is not used, disabled veterans, eligible relatives or veterans, in that order, and are entitled to a preference over any non-preferred applicant holding substantially equal qualifications. It shall be the responsibility of the Human Resource Department to administer preference when filling vacancies. Applicants requesting Veterans Employment Preference must submit a copy of their DD-214, "Certificate of Release or Discharge from Active Duty," which shows dates of service and discharge under honorable conditions or a "certification" that is a written document from the armed forces that certifies the service member is expected to be discharged or released from active duty service in the armed forces under honorable conditions not later than 120 days after the date the certification is signed.

Disability Employment Preference

Relevant Information: 39-30-101 MCA, 39-30-107 MCA, 39-30-201 MCA, 39-29-102 MCA

It is the policy of Ravalli County to provide preference in employment to eligible individuals with disabilities and eligible spouses, when they are substantially equal in qualifications to others applying for initial appointments to positions as required in 39-30-201, et seq., MCA. Persons with a disability are entitled to a preference over any other preference-eligible applicants with substantially equal qualifications. It shall be the responsibility of the Human Resource Department to administer preference when filling vacancies. If claiming the 10 point preference, you will need to submit a Standard Form (SF-15) "Application for 10-point Veterans' Preference."

Background and Reference Checks

To ensure that individuals who join Ravalli County are well qualified and to ensure a safe and productive work environment, it is the County's policy to conduct pre-employment background

checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form. Failure to accurately report education, work history, criminal history or previous employment may lead to rejection of the applications. Background checks may be used during the application/hiring process in order to rate applicants.

All offers of employment are conditioned on receipt of a background check report that is acceptable to Ravalli County. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

It is the responsibility of the Human Resource Department or their designee to conduct a post offer pre-employment criminal background check. Credit History Checks will be done for all individuals hired for positions with fiduciary responsibilities. Examples are; Treasurers Office, Accounting/Finance and Department Heads. Human Resources or the Department Head will check references on all individuals considered for regular employment with Ravalli County. Reference checks will include both references listed by the applicant and references from their employment history. The costs associated with the background checks will be the hiring departments' responsibility.

If information obtained in a background check would lead Ravalli County to deny employment, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report's accuracy. Background checks may include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment.

Additional checks such as a driving record or credit report may be made on applicants for particular job categories if appropriate and job related.

Ravalli County also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

Internal Transfers and Promotions

Ravalli County offers employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies, unless outside recruitment is considered to be in the County's best interest.

Department Transfers/Promotions

- **A promotion** is a change for an employee from their current grade to a higher grade within the same department/office while continuously employed by the County.
- **A transfer** is a change from the employee's current department/office to another department/office while continuously employed by the County.

Employee transfers

At its' discretion, the County may initiate transfers of employees between departments and facilities to meet specified work requirements and reassignment of work requirements.

Employees who voluntarily transfer departments will be terminated from their old position with Ravalli County and receive a payout of Sick, Vacation and Comp time as per County Policy. After a five (5) day break in service they will be rehired in their new position and be subject to the same probationary period and sick and vacation leave policies as any other new hire. Employees re-hired in a position transfer will retain the same vacation accrual rate as they had prior to the transfer.

Employee Promotion

Employees promoted to a different position within a department agree to a new three month probationary period if the new position entails different job duties and the employee will be entitled to additional compensation.

If a promoted employee fails to satisfactorily complete the new probationary period, the employee shall revert to his/her former position, only if the position is unfilled or a selection process has not begun. If the former position has been filled or the selection process has begun, the employee is eligible to apply for other available County positions which are posted or advertised pursuant to the county recruitment and hiring process. The employee shall receive no preference in the selection process.

A promoted employee reverting to his/her former position shall not be required to serve a new probationary period

Nepotism, Employment of Relatives and Personal Relationships

Relevant Information: 2-2-302 through 2-2-303 MCA

Nepotism is defined in state statute. In general, it prohibits the hiring and appointment of individuals within certain familial relationships. Ravalli County prohibits nepotism and wants to ensure that County practices do not create situations such as conflict of interest or nepotism. This extends to practices that involve employee hiring, promotion and transfer. No one may be refused employment or be terminated solely because another member of that individual's immediate family is employed by the County. Close relatives, partners, those in a dating relationship or members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in law, grandfather, grandmother, son, son-in-law, daughter, daughter-in law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins and domestic partner relatives. The prohibition does not apply to sheriffs appointing cooks and/or attendants, employment of election judges, or the continued employment of a relative initially hired before a related member assumed duties of the office.

If employees begin a dating relationship or become relatives, partners, or members of the same household and if one party is in a supervisory position, that person is required to inform Human Resources of the relationship.

Ravalli County reserves the right to apply this policy to situations where there is a conflict, or the potential for conflict, because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

Probationary Period

Relevant Information: 7-32-2105 MCA 39-2-904 MCA

Probation is a designated period of at-will employment during which a newly hired employee is required to demonstrate satisfactory job performance. Probation is used to determine if the employee should be retained beyond the probationary period and attain regular status.

Each employee hired, or re-employed, by Ravalli County agrees to a twelve (12) month probationary period.

A probationary employee serves at the pleasure of the Elected Official/Department Head and the Board of County Commissioners during the probationary period of employment or any extension thereof. Employment may be terminated at the will of either the employer or the employee on notice to the other for any reason. Vacation, holidays, sick days, weekends, compensatory time and worker's compensation time are credited as days of employment for the purpose of calculating the duration of the probationary period. The probationary period will not be extended beyond the initial 12 month probationary period.

Short-term workers and temporary employees are continually on probation.

Probationary employees do not have the option to file a grievance or request a hearing for termination but have the right to grieve other disciplinary actions.

Termination of Probationary Period

Prior to a probationary employee attaining regular status the employee's supervisor will submit an action form to Human Resources recommending regular status or termination for the employee. All such action forms require approval from the Board of County Commissioners prior to the employee's classification as a non-probationary employee.

Deputy Sheriffs

Deputy Sheriffs serve a probation period of one year and during this 1-year period the employment of any such deputy may be terminated by the sheriff with or without cause and without recourse to the sheriff under the terms of MCA 7-32-2104 through MCA 7-32-2110.

The sheriff, as soon as possible after taking office, shall, appoint an undersheriff to serve at the pleasure of the sheriff. The undersheriff has the same powers and duties as a deputy sheriff. An Undersheriff holds office at the pleasure of the Sheriff under the terms of MCA 7-32-2102

Performance Appraisal

The County shall have the option of providing a performance appraisal system for use as part of its documentation in personnel decisions. If implemented, the system will provide for regular performance appraisals of permanent and seasonal full-time and part-time employees, wherein an employee's supervisor will monitor and assess the employee's performance. If implemented, all managers and department supervisors will also receive an appraisal.

An employee with unsatisfactory performance will be provided a specific plan for corrective action.

Regularly Scheduled Performance Appraisals

Normally, supervisors and employees have ongoing discussions about job performance. The primary purpose of an employee performance appraisal system is to provide an opportunity for the employee and the supervisor to discuss the employee's job performance during the preceding evaluation period and to communicate job goals and objectives. Performance evaluations may be used to assist in decisions affecting promotions, demotions, terminations, layoffs, reemployment, salary increases, and training. Completed appraisal forms shall be returned to the Human Resource Department by the department head.

Special Evaluations

A special evaluation may be completed whenever there is a change either upward or downward in the employee's performance.

Employee's Right of Rebuttal

The contents of a performance appraisal may not be grieved. Employees who disagree with an appraisal have the right to submit, within ten working days of receipt of the appraisal, a written rebuttal, which will be attached to the appraisal document.

Longevity and COLA

Ravalli County employees who are not subject to a CBA (Collective Bargaining Agreement) will receive longevity based on their time in service, within the same department. Longevity will be calculated on an employee's anniversary date and will equal 1% of the employee's current base wage and will increase the employee's base wage by that amount. Employees changing departments shall maintain their longevity for vacation benefit calculations but will lose their longevity in terms of wage calculations. Employees will then begin earning longevity within the new department or office.

COLA (Cost of Living Adjustment) is set annually by the Board of County Commissioners. Ravalli County employees who are not subject to a CBA (Collective Bargaining Agreement) will receive the COLA amount set by the BCC. If granted, COLA increases are generally set at the beginning of each new fiscal year.

Employee Progressive Discipline

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

County employees are subject to disciplinary action up to and including termination from employment. This may include informal and/or formal disciplinary actions, depending on the circumstances. This policy applies to employees who fail to perform job duties in a satisfactory manner, disrupt County operations or violate the County's procedures, policies, rules, or performance standards, or for any other legitimate business reasons. The progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues.

Outlined below are the steps of our progressive discipline policy and procedure. Ravalli County reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are; whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

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

The following outlines Ravalli County's progressive discipline process:

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

- **Corrective counseling:** is an informal action that may be used at the option of management prior to or in addition to formal discipline to deal with performance deficiencies or misconduct. It is not part of formal discipline and may not be grieved.
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- **Verbal warning:** A supervisor verbally counsels an employee about an issue of concern full explaining the issues at hand. A written record of the discussion is placed in the employee's file for future reference.
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- **Written warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warning should contain a description of the specific conduct for which the employee is being disciplined. Employees may provide a response to a written warning which will be attached to the warning and included with it in their file. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.
- **Performance Improvement Plan:** Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a Performance Improvement Plan (PIP). PIP status will last for a predetermined amount of time not to exceed 6 months. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the Performance Improvement Period, the PIP may be closed or, if established goals are not met, dismissal may occur.
- **Suspension without pay** is for a specific work period. An employee who is suspended is to leave work for the period specified. A disciplinary suspension must include a

description of the specific conduct or reason for which the employee is being suspended, and should be documented by the supervisor. Employees may provide a response to a suspension which will be attached to the documentation and included with it in their personnel file.

- **Demotion or Transfer** the County retains the right to reassign (e.g., demote or transfer) an employee in conjunction with a corrective or disciplinary action (i.e., as an alternative to termination). A disciplinary demotion must include a description of the specific conduct or reasons for which the employee is being demoted or transferred, and should be documented by the supervisor. If appropriate, a disciplinary demotion or transfer may include a Performance Improvement Plan.
- **Termination/dismissal** Ravalli County reserves the right to skip any of the previous steps and go directly to termination depending on the severity of the employee's actions. Dismissal may not take place until an investigation of the employee's action has been undertaken and substantiated by the department head, Human Resources or County Commission.
- **Administrative leave with pay:** Department heads may place an employee on administrative leave with pay pending an investigation and consultation with the County Commission.

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

Separation of Employment

Relevant Information: MCA 39-29-111 MCA 2-18-704 MCA 39-2-102

Employee separation means the removal of an employee from County service for either voluntary or involuntary reasons. Separation of employment within an organization can occur for several different reasons.

- **Resignation:** Although we hope your employment with us will be a mutually rewarding experience, we understand that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide at least two weeks' notice, preferably in writing, to facilitate a smooth transition out of the organization. Proper notice generally allows the County sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which the employee may be entitled and to include such monies in the final paycheck.

Management reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant such action. If an employee provides less notice than requested, the employer may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.

- **Job abandonment:** Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned their position and to have voluntarily resigned his/her position with the County effective at the end of their normal shift on the third day. If the employee is able to provide a valid and legitimate reason for the unexcused absence from work, the Board of County Commissioners may consider reinstatement upon confirmation that the absence and failure to communicate with the County during the absence was unavoidable. The supervisor shall notify the Human Resource department at the expiration of the third workday and initiate the paperwork to terminate the employee. **Employees who are separated due to job abandonment are ineligible for rehire.**
- **Lay off/Reduction In Force or Permanent Reduction in Hours:** A layoff is the involuntary termination of an employee due to lack of work, lack of funds, elimination of a position, or any other situation where continuing to fund a position would be inefficient or non-productive for budgetary reasons. A permanent reduction in hours occurs when funding for a position is permanently reduced, but the position is not eliminated from the budget. When a layoff or permanent reduction of hours is necessary, the following will apply:
 - The County will lay off or reduce hours for temporary employees and short-term workers before laying off or reducing hours for probationary or regular employees.
 - The County will lay off or reduce hours for probationary employees before laying off or reducing hours for regular employees.
 - If two or more non-probationary employees occupy the same position that is to be reduced or eliminated as part of a budget reduction within a County department, the County will retain the employees who, at the County's discretion, are most qualified and capable of performing the assigned work.
 - If a performance appraisal system is being used, a veteran, disabled veteran, or eligible relative whose performance has not been rated unacceptable shall be retained over other employees with similar job duties and qualifications and the same length of service. A disabled veteran with a service-connected disability of 30% or more shall be retained over other veterans, disabled veterans, and eligible relatives with similar duties, qualifications, and length of service. (MCA 39-29-111). The preference in retention does not apply to a position covered by a Collective Bargaining Agreement.
 - If employee's qualifications and capabilities are substantially equal, the County will retain employees based on their length of continuous service with Ravalli County in that position.

Recall

In the event the County decides to staff the position as it did prior to the reduction in force, individuals who have been laid off shall have a preference for recall to the position they were removed from for a period of one calendar year from the effective date of layoff. In the event the County decides to fill the position within the one calendar year period, the laid-off individual shall be sent a written notice at his/her last known address. The individual shall have seven working days to respond to the written notice if the recalled employee fails to respond to the recall notice, the employee will have no further reinstatement privileges. The employee is responsible for ensuring that an accurate and current 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 Ravalli County. The employee will not, however, accrue leave or receive other benefits during the period when the employee was laid off prior to reinstatement.

Termination Relating to a Work/ Industrial Accident

If, as a result of an employment related accident an employee is unable to perform the essential functions of the job, the County may fill the position with a temporary employee to avoid disrupting the work of the office or department. If the injured employee is capable of returning to work and performing the essential functions of the job within three (3) months from the date of injury, the employee shall be returned to his/her previous position. If the injured employee is unable to return to work and perform the essential functions of the job within three (3) months from the date of accident and there is no reasonable expectation of a near return to work, or MMI (Maximum Medical Improvement), the employee shall be terminated and all severance benefits to which the employee may be eligible will be paid.

Involuntary Termination

A probationary employee may be terminated in accordance with Ravalli County Policy

A regular employee may be terminated when other forms of discipline fail or when the violation of policy is so severe that it demands the employee be removed immediately from the job. The regular employee shall be given a written termination letter stating the reasons for termination and the effective date. The employee shall have the right to grieve the decision to terminate under the established grievance procedure.

Return of County Property

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

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

The separating employee shall contact the Human Resource department as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or another day, as mutually agreed.

Final paychecks will be issued on the next regularly scheduled payday following the employee's last day of work. Accrued vacation leave and sick leave will be paid in the week following the issuance of the employee's final paycheck.

Health insurance terminates the last day of the last month of employment, unless an employee requests immediate termination of benefits. Information for Consolidated Omnibus Budget Reconciliation Act (COBRA) continued health coverage will be provided. Employees with pro-rated benefits will be required to pay their share of the dependent health and dental premiums through the end of the month.

Rehire

Employees who left Ravalli County in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted through the regular application process, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, and will be evaluated with the rest of the applicant pool.

Supervisors must obtain approval from the Board of County Commissioners prior to rehiring a former employee. Previous tenure will not be considered in calculating longevity, seniority or any other benefits. Previous tenure will be considered for vacation leave accruals.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

Employee Grievance Policy

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

Nothing contained herein should be construed as limiting the right of any employee to discuss any matter informally with a member of management. Every effort should be made to settle a grievance informally before a formal grievance is filed. For complaints alleging discrimination, employees should use the Reporting Procedure outlined in **Preventing Harassment and Discrimination** on page 6.

Definition: A grievance is a claim that the County has violated a published policy in the manner in which an employee was harmed. Disputes over salary grades, rates of pay, or over a supervisor's judgment regarding job performance or professional competence are not subject to this policy, but should be brought to the Human Resources department

Acceptable Reasons for Filing Grievances

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

Employees who believe they have been negatively impacted by a specific violation, misapplication, or misinterpretation of the terms of the Personnel Policies have the opportunity to grieve through the established Grievance Procedure. Probationary, Temporary, and Short-term employees shall have access to Step 1 of the grievance procedure only.

Preparing and Pursuing Grievances During Working Hours

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

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

Grievance Filing Procedures

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

Time Limits: Time is of the essence. The failure to comply with applicable time limits may impede the fact-finding process, and may adversely affect the County's ability to judge the merits of the grievance. Thus, all parties shall comply with the time limits.

Process: Efforts to resolve a grievance should not be regarded as an adversarial proceeding and are not subject to the legal process or rules of evidence applicable to a court of law. Note taking is allowed, but tape or similar recording is prohibited except at any appeal hearing.

Remedies: At each step in the grievance process, the person or commission hearing the grievance may fashion a remedy that is consistent with his/her/its authority and within the law.

Documentation: No specific documents or forms are required by this policy.

Step 1 – Informal Step:

Often, disputes over the application or interpretation of policy can be resolved through communications within the department. As such, the first step in the grievance process is informal. The employee shall discuss the situation and relevant evidence with the Elected Official/Department Head in an effort to resolve the issue. If informal discussions fail to resolve the grievance, and the employee desires to continue the matter, the employee must submit a formal grievance in writing within five (5) days.

Step 2 – Formal Step:

If the matter is not resolved at Step 1, the employee may proceed to Step 2 by submitting a written statement to the Elected Official/Department Head. In the grievance, the grievant must sign, date, and specifically state the law, rule, policy and/or procedure at issue; the date when the event happened; and what resolution he/she would like. The Elected Official/Department Head will confer with the employee, the employee's supervisor, and or Human Resources if applicable, and advise the employee in writing of his/her decision within ten (10) working days of the date the written step 2 grievance was submitted.

Step 3 - Appeal:

If the employee is dissatisfied with the Step 2 decision, the employee may, within five (5) working days of the receipt of the written decision from the Elected Official/Department Head, present a written request for review of the decision to the Board of County Commissioners, which shall hear the grievance and issue a final written response. The Commissioners will set a hearing date that shall not be more than fourteen (14) days from the date the grievance was submitted. Prior to the hearing, the parties shall submit a statement of relevant facts, which may be supplemented in writing or verbally through witnesses at the time of the hearing. The hearing shall be conducted in a fair and equitable manner to ensure a fair hearing. Within fifteen (15) days of the hearing, the Commissioners shall issue a written decision, which shall be final.

Alternate Appellate Commission: an employee directly supervised by the Board of County Commissioners may elect to have an alternate appellate commission conduct the appellate hearing. If such an employee so elects, the alternate appellate commission shall consist of the County Attorney and at least two other elected County officials to be appointed by the County Attorney.

No employee shall be subject to reprisal for using or participating in the grievance procedure. The procedure should not be construed, however, as preventing, limiting, or delaying the County from taking disciplinary action against an employee, up to and including termination, when circumstances such as those enumerated in the "Employee Conduct Policy" are present.

Grievances that are false, trivial and unsupported may be subject to appropriate disciplinary action up to and including termination.

WORKPLACE SAFETY

Workplace Safety Program

The County has a workplace safety program established to maintain a safe and healthy work environment for County employees and the citizens they serve. The success of the safety program depends on the alertness and personal commitment of all. The department shall provide information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, Email, memos, or other written communications.

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state and federal safety and health regulations and program standards, and with any special safety concerns for use in a particular area or piece of equipment

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency procedures for his/her Department or Office. Each facility shall have an emergency plan posted detailing procedures in the handling emergencies such as fire, weather-related events and medical crises.

It is the responsibility of the employee to complete an Accident and Incident Report for each accident or "near miss" infraction that occurs to/by an employee or that the employee witnesses. Failure to report such an infraction may result in employee disciplinary action, including termination.

Furthermore, management requires that every person in the organization assumes the responsibility of individual and organizational safety. Failure to follow County safety and health guidelines or engaging in conduct that places the employee, citizens or County property at risk can lead to employee disciplinary action up to and including termination.

The Health and Safety Committee and the Human Resource director shall have the responsibility to develop and the authority to implement the safety and health program in the interest of a safer work environment.

Contributing Suggestions and Reporting Concerns

Excellent safety improvement ideas often come from employees, since they are the ones who are most familiar with their work environment. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, department head, safety supervisor, or Human Resources personnel (or someone designated by the County as a safety officer or member of an internal safety committee). Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal. Ravalli County has a safety committee that has expert safety consultants and has a vested interest in creating a safe working environment throughout the county.

Return to Work Policy

Our employees are our greatest assets and we are committed to providing Workers Compensation Coverage care and returning employees injured within the scope of their employment to full productive employment as soon as medically feasible. Ravalli County has developed a policy and process designed to help injured employees receive prompt medical attention and recovery assistance. The policy is called the Return to Work (RTW) injury management plan. It includes a team effort involving the injured worker, the treating health provider, insurance provider and internal county management.

When on the job incidents do occur, it is in everyone's best interest that injuries are properly managed. Ravalli County will make an effort to provide a temporary modified transitional work position for employees injured on the job until the employee is able to resume normal duties. All modified work assignments are temporary and intended to facilitate a return to regular work duties as soon as it is medically feasible. These positions may be offered at any location or department/shift at any County workplace location.

Failure to report for work at any of the designated times or places may affect the employee's time loss compensation. This policy is not intended as a guarantee of continuity of benefits or rights.

A Medical Status Form is required to be returned by the injured employee immediately following all medical appointments. This form will help us determine the type of work the County has available within the restrictions set forth by your physician so that only those tasks approved are being done. If additional tasks are deemed to be within the restrictions set forth in the most recent Medical Status Form, these duties may be added to your temporary job. Once your physician releases you back to full duty, you are expected to return to your time of injury job. This policy does not apply to employees who suffer injuries outside of their employment relationship. While Ravalli County may allow those employees to return to work with some restrictions the County's Return to work Policy is not applicable.

Workplace Violence Protection Policy

All employees, citizens, vendors and contractors must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others. Conduct that threatens, intimidates or coerces another employee, citizen, vendor or contractor business associate will not be tolerated. Ravalli County resources may not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. Ravalli County treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, Elected Official or Human Resources. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resource department of any protective or restraining order that they have obtained that lists the workplace as a protected area.

Employees are encouraged to report safety concerns with regard to intimate partner violence. Ravalli County will not retaliate against employees making good-faith reports. Ravalli County is committed to supporting victims of domestic violence by providing referrals to Ravalli County's Employee Assistance Program (EAP) and community resources and providing time off for reasons related to intimate partner violence.

Ravalli County will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. Ravalli County will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, Ravalli County may suspend employees involved in suspected acts of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of violence, actual violence, or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Ravalli County encourages employees to bring their disputes to the attention of their supervisors or Human Resources before the situation escalates. Ravalli County will not discipline employees for raising such legitimate concerns.

Workplace Bullying Protection Policy

Ravalli County defines bullying as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment." Such behavior violates the County Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

The purpose of this policy is to communicate to all employees, including supervisors, managers and department heads, that the county will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when deciding disciplinary action. As in sexual harassment, it is the effect of the behavior upon the individual that is important. Ravalli County considers the following types of behavior examples of bullying:

- **Verbal bullying**: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying**: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying**: Nonverbal threatening gestures or glances that convey threatening messages.

- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

Drug and Alcohol Free Workplace

Relevant information: U. S. Department of Justice, Title 21 USC, Controlled Substance Act; MCA 39-2-205, et seq.; Appendix C: Drug and Alcohol Free Workplace Acknowledgement Form

It is the policy of Ravalli County to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The illegal use of controlled substances is inconsistent with the behavior expected of our employees, subjects all employees, citizens, and visitors to unacceptable safety risks and undermines the County's ability to operate effectively and efficiently.

The purpose of this policy is to ensure worker fitness for duty; to protect our employees and the public from the risks posed by the use of illegal drugs, controlled substances, or alcohol; and to maintain a safe working atmosphere conducive to effect operations. As stated in the **Prohibited Conduct Policy**, employees are subject to disciplinary action, which may include immediate discharge for consumption, use, or being under the influence of alcohol or controlled substances while on County premises.

County employees must sign the **Drug and Alcohol Free Workplace Acknowledgement Form** (located in **Appendix C** of this Handbook) and abide by this policy as a condition of employment.

Prohibitions

All County employees are absolutely prohibited from:

1. Unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. "Controlled substances" are defined in schedules I through V of Section 812, Title 21, United States Code. Examples of controlled substances include illegal narcotics, cannabis, stimulants, depressants, and hallucinogens. The County does not accommodate the use of medical marijuana in the workplace.
2. Reporting for duty, remaining on duty, or operating County vehicles or personal vehicles on County business while under the influence or impaired by alcohol or a controlled substance.
3. Drinking alcohol at any time during work hours.
4. The illegal or unauthorized use of prescription drugs.

EAP

To assist employees in overcoming drug and alcohol abuse problems, the County provides an Employee Assistance Program (EAP) and makes available medical benefits that include substance abuse treatment.

Disciplinary Action

Violations may result in disciplinary action up to and including termination. Violating the drug and alcohol prohibitions in the policy for **Use of Vehicles and Equipment** is also subject to disciplinary action up to and including termination, whether the employee is operating county vehicles or equipment on County-owned property or anywhere else. Any use of illegal drugs or driving while intoxicated shall also be reported to the proper authorities for criminal prosecution.

Reporting Convictions of Drug Statute Violations

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official County business must inform his/her immediate supervisor of such conviction within five days after the conviction. The supervisor must inform the department head of any such communication immediately.

Exceptions – Prescription Drugs

The only exceptions to this policy are possession or use of a controlled substance as prescribed by a licensed physician, if the employee has given his supervisor or department head prior notice of such use and/or possession. Employees using medication prescribed by a licensed physician may be required to provide management with proof that such medication was prescribed. Employees taking prescribed or over-the-counter medications will be responsible for talking to a doctor and/or pharmacist about whether the medications may interfere with their ability to perform their job safely. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request a change of duty, notify supervisor, etc.) to avoid unsafe work practices. The County has the sole discretion as to whether or not it will be safe for those employees to remain on duty. As stated above, it is a violation of our **Alcohol and Drug Free Workplace** policy to intentionally misuse prescription medications. Appropriate disciplinary action shall be taken if job performance deteriorates and/or accidents occur.

Searches

The County reserves the right, at all times, while employees are entering, departing, or on the premises, properties, and work areas; when circumstances warrant; or when reasonable cause exists, to have properly authorized personnel conduct unannounced reasonable searches and inspections of County facilities. Searches may include the person of the employee and his/her effects (such as, but not limited to, lockers, baggage, briefcases, toolboxes, clothing, and vehicles) for the purpose of determining whether such employee is in possession, use, transportation, or concealment of any of the prohibited items and substances named in this policy.

Searches may be initiated without prior notice and conducted at reasonable times and locations as deemed appropriate by the County. At no time will employees or others be touched without their consent, nor will any clothing be removed during these searches and inspections. Persons who refuse a search or are found to be in possession of substances described in this policy are subject to termination of employment.

Co-Worker, Supervisor Obligations

Any employee or supervisor who has observed or has personal knowledge that another employee is using or possessing illegal drugs or alcohol in violation of this policy may choose to make a good faith report to a supervisor or department head. The employee shall refrain from discussing the matter with anyone except appropriate management personnel.

Possession of Alcohol on County Premises

Employees may not possess or use alcohol in any County facility with the exception of an authorized function, under the control of the holder of a valid liquor license.

Drug and Alcohol Testing

The county retains the right to require the following tests:

- **Pre-employment:** All applicants for positions under the Ravalli County Sheriff's Office and those positions requiring a CDL must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.
- **Reasonable suspicion:** Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. Human Resources should be consulted before sending an employee for "reasonable suspicion" testing.
- **Post-accident:** Employees are subject to testing when they cause or contribute to accidents that seriously damage a county vehicle, machinery, equipment or property and/or result in an injury to themselves, another employee or a member of the public requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.
- **Follow-up:** Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, Ravalli County may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include a return to probationary status, follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she will be subject to immediate discharge from employment.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. Under this policy the first time an employee tests positive for alcohol or illegal drug use, the result will be discipline up to and including termination.

Employees will be paid for time spent in alcohol/drug testing and then suspended without pay pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include the employee, the employee's supervisor and Human Resources. Should the results prove to be negative; the employee will receive back pay for the times/days of suspension.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to a medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files in the Human Resources Department.

Inspections

Ravalli County reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

Crimes Involving Drugs

Ravalli County prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

Required Testing

Relevant Information: Federal Highway Administration Department of Transportation, CFR Parts 382, 391, 392, 395 and 40 (as amended)

It is Ravalli County's policy to comply with all applicable Federal and State regulations governing workplace anti-drug programs that mandate urine drug testing and breathe alcohol testing for employees who are subject to CDL requirements and perform safety sensitive functions. "Safety-sensitive" functions include driving, loading and unloading, and inspecting a vehicle, operating potentially dangerous equipment, as well as time spent waiting to be dispatched or tending to a disabled vehicle.

This policy applies to all Ravalli County employees who operate commercial vehicles and are required to have a Commercial Driver's License (CDL), and perform safety-sensitive functions. This policy applies to off-site breaks and lunch periods when an employee is scheduled to return to work. The County retains the sole right to change, amend or modify any term or provision of this policy in accordance with state and federal law without notice.

It is the policy of Ravalli County to:

- Engage in drug and alcohol testing for DOT regulated employees to assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- Establish procedures for drug and alcohol testing in accordance with state and federal regulations;
- Create a workplace environment free from the adverse effects of drug, alcohol and substance abuse or misuse through education and drug/alcohol testing.

Testing Compliance

Employees in covered positions will be subject to urine drug testing and breathe alcohol testing. These employees, and prospective employees, will be subject to the following tests and assessments:

Pre-employment: A successful applicant for a covered position will be required to undergo urine drug testing and breath alcohol testing after an offer of employment has been made. Employment will be contingent on receipt of a negative drug test and confirmed alcohol test indicating a concentration of less than 0.02. The prospective employee **may not** be part of the work force until the results are known.

Prior to hire, the prospective employee will be required to provide a written release to allow Ravalli County to obtain required information from previous employers (last two years) as provided in 49 CFR Part 382. This information must be made available from previous employers for whom the prospective employee operated a Commercial Motor Vehicle (CMV). If this information is not provided to the County within fourteen (14) calendar days from the date of employment, the employee will be removed from performing safety-sensitive functions unless the County can document contact was made with the previous employer, the results of that contact, and why the information was not obtained.

A prospective employee with a confirmed positive drug or alcohol test will be disqualified from consideration for the position being filled. This will not prevent the applicant from being considered for any subsequent vacancy.

Post-accident: Employees in covered positions will be required to undergo drug and alcohol testing if they are involved in an accident with a County vehicle which occurs on a public road and any of the following conditions apply:

- a) It involves a fatality;
- b) It involves a moving violation issued to the driver;
- c) It involves injury to a person who, as a result, receives medical treatment; or
- d) One or more of the motor vehicles incur disabling damage that requires it to be towed from the accident site. (Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner after simple repairs. It does not include damage to tires).

Following the accident, the employee will be required to be tested within two (2) hours. If this cannot be done, reasons for non-testing must be documented. Attempts to test will cease after eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. Any employee in a covered position involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of an accident without appropriate explanation prior to submission to drug and alcohol testing will be considered to have refused the test. Refusal will be considered a positive test and the employee will be subject to discipline up to and including termination.

Random: Employees in covered positions will be subject to random, unannounced testing for both drugs and alcohol. The selection for random testing will be made by a scientifically valid method, and each employee shall have an equal chance of being tested each time selections are made. Drug testing may occur during on-duty time. Alcohol testing will be performed before, during, or after the employee is performing safety sensitive functions.

Reasonable suspicion: Employees in covered positions may be subject to a fitness-for-duty evaluation which includes both drug and alcohol testing when there is reason to believe that drug or alcohol use is a potential factor in affecting job performance.

A reasonable suspicion determination must be made by an individual who has been trained in reasonable suspicion and who believes the employee has violated the prohibitions of the County Drug-Free Workplace policy based on specific observations concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion determinations must be documented within twenty-four (24) hours of the observation and by test results. A written description of the observations that led to the determination must be prepared and signed by the person who made the determination.

Return-to-Duty and Follow-up: Employees who previously had a confirmed positive test for drugs and/or alcohol must have a negative test and be evaluated and reinstated to duty by a Substance Abuse Professional (SAP) before returning to perform safety-sensitive functions. Employees will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by the SAP. This will consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. Follow-up testing will not exceed sixty (60) months from the employee's return to duty.

Employment Assessment: Any employee who has a confirmed positive test for the presence of alcohol above the minimum thresholds will be evaluated by a Substance Abuse Professional (SAP). The employee will be required to sign a release so that Ravalli County can obtain information on the rehabilitation program duration, employee compliance, completion, and post-treatment requirements.

The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with the prohibited use of abuse of alcohol, recommend a rehabilitation program and post-treatment requirements, and determine if the rehabilitation program has been successfully completed. The SAP will also determine if and when the employee can be released to return-to-duty. If an employee is released to return-to-duty, that employee must have been compliant with all recommended treatment as prescribed by the SAP and have a confirmed negative return-to-duty test result. Failure to follow the program as prescribed and required will result in termination.

Any employee or prospective employee who refuses to sign any required release(s) relative to test results, fails to comply with required testing, refuses follow-up evaluations by a Substance Abuse Professional (SAP), provides false information, or attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be considered as having a positive test. Such behavior may also be considered insubordinate and result in disciplinary action unless there is a valid and verifiable medical explanation.

Testing Procedure: Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS) and strictly adhere to the "Mandatory Guidelines of Federal Workplace Drug Testing Programs." All testing will be conducted following the procedures put forth in 49 CFR Part 40 as amended. It is Ravalli County's intent to conform to state and federal requirements while protecting individual dignity, privacy, and confidentiality throughout the testing process.

Drug Testing:

Drug testing may occur at any time while the employee is considered on duty. The drugs that will be tested for include, but are not limited to, marijuana, cocaine, amphetamines, opiates and phencyclidine.

In the event a test is positive, the employee will be immediately terminated, unless the testing agency advises that mitigating circumstances may be present, or that it would be in the best interest of the County and the employee to proceed with a rehabilitation program through a Substance Abuse Professional (SAP). In that case, the employee will be referred to a SAP for evaluation.

Alcohol Testing

Alcohol testing may be performed on prospective employees prior to employment or when the employee is performing safety-sensitive functions or immediately prior to or following performing safety-sensitive functions.

Tests for alcohol concentration will generally be conducted utilizing a breath test, which measures alcohol concentration in terms of the amount of alcohol in a certain volume of breath. The County reserves the right to utilize saliva tests and certain other kinds of screening as approved by DOT regulations.

If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and will be considered prohibited conduct.

Confirmed Alcohol Concentration of .04 or higher, but less than 0.08.

If the testing confirms an alcohol concentration 0.04 or greater, or if it is determined that an employee has used alcohol within the last four hours, the following actions will be taken:

- **First Occurrence:**

The employee will be removed from their duties until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. The employee will also be required to complete a return-to-duty test indicating a breath alcohol concentration of less than 0.02 before returning to duty.

- **Second Occurrence:**

The employee will be removed from performing safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. The employee will also be required to complete a return-to-duty test indicating a breath alcohol concentration of less than 0.02 before returning to duty.

The employee will also be referred to a Substance Abuse Professional (SAP) for evaluation to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and be released to duty by the SAP.

- **Third Occurrence:**

The employee will have their employment terminated immediately.

Confirmed Alcohol Concentration of 0.08 or higher.

- **First Occurrence:**
The employee will have their employment terminated immediately.

Smoke-Free Workplace

Relevant Information: Montana Dept. of Health and Human Resources, Montana Clean Indoor Act - MCA 50-40-101, et. seq.

In compliance with the Montana Clean Indoor Air Act (MCIAA), which bans smoking statewide in all enclosed workplaces in Montana, smoking is prohibited in ALL County vehicles and in ALL County facilities. The law defines smoking as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind."

The smoke-free workplace policy applies to:

- All areas of all county buildings.
- All county-sponsored off-site conferences and meetings.
- All vehicles owned or leased by the county.
- All visitors (customers and vendors) to the county premises.
- All contractors and consultants and/or their employees working on County premises.
- All employees, temporary employees and student interns.

Designated Smoking Areas

The County also respects the rights of employees who choose to smoke to make personal decisions without interference, as long as these decisions do not interfere with the rights of other employees, citizens or local or state laws. Employees may smoke in outdoor smoking areas when at least 50 feet from the nearest building.

Employees who violate the smoking policy will be subject to disciplinary action up to and including termination.

Use of Vehicles and Equipment

Employees whose jobs require them to travel using County vehicles or equipment to perform their duties for the County are expected to treat such County property with the utmost degree of care and respect. The vehicles and equipment owned by the County are paid for by County citizens; and as public servants, employees' actions should reflect positively upon the County by doing everything possible to maintain well-functioning, carefully maintained, and clean vehicles and equipment to ensure longevity. This also includes safe operation according to all relevant laws. This policy also covers situations when an employee uses a personal vehicle to conduct County business. The following guidelines shall be observed.

Vehicle Use Guidelines

1. Employees are to use County vehicles for business purposes. Authorized drivers may use County vehicles to conduct business on behalf of the County and to respond to medical or other emergency situations. Using County vehicles or equipment for personal convenience is prohibited and will result in disciplinary action. Certain employees (emergency response, on-call, etc.) may be authorized by the Board of County Commissioners to take County vehicles home.
2. To use a County vehicle, an employee must have an acceptable county business use. Acceptable uses include conducting business on behalf of the County as stated above, getting food and lodging when in a travel status, and certain other activities that may be up to the department head's discretion. Employees can park a County vehicle at their home overnight if they must begin travel the next morning or if they are subject to other off-shift duty related to County employment.
3. County employees are expected to travel in an efficient and cost-effective manner. The rules of the road and established safety practices must be practiced at all times. Any abuse of County vehicles when in an employee's possession or violations of safety practices or traffic laws during work hours may result in disciplinary action.
4. Some job descriptions require employees to have a valid driver's license or a Commercial Driver's License. The ability to legally operate a vehicle is an essential job duty for some positions. Employees who, as part of their job, have to operate County vehicles are required to have an acceptable driving record. A copy of the employee's current, valid driver's license must be on file with the Human Resource department before they may operate a County vehicle.
5. An employee who drives his own vehicle on authorized County business shall be reimbursed at the federal mileage rate. The federal mileage reimbursement rate is to cover auto expenses, which include personal auto insurance. The County's insurance does not cover any damage to the employee's vehicle if an accident occurs while used for business. Employees are also responsible for deductibles and co-insurance payments under their personal vehicle policies. If employees drive their personal vehicles for County business, they must maintain it according to the manufacturer's specifications and have current registration.
6. Employees should use County vehicles for work-related travel whenever possible. With pre-approval, employees may use their personal vehicles for County business when the supervisor determines it is in the best interest of the County. Employees who are operating their personal vehicles during the course of employment and receiving mileage reimbursement must have liability insurance and provide evidence of such to the County.
7. County employees who use vehicles in the course of their jobs shall maintain a current, valid licensure or certification (a Montana driver's license or CDL, as required by the job). Employees whose personal vehicles are used for County business are responsible for immediately notifying their supervisor of any change in the status of their driver's license, any convictions affecting their driving record, and any changes in personal vehicle liability coverage.

8. County employees are required to secure seat belts while driving or riding in County-owned vehicles or when using personal vehicles for County business.
9. Employees must operate vehicles in a careful and prudent manner at all times to avoid endangering other people and property. Employees are prohibited from operating a vehicle for County business if they are under the influence of alcohol, illegal drugs, improperly used prescription drugs, or a legally prescribed drug if that drug affects their ability to safely operate the vehicle. Employees taking prescription drugs are responsible for notifying their medical providers if they are required to operate a vehicle for County business, and they must notify their supervisor of any restrictions on operating a vehicle.
10. In compliance with the Montana Clean Indoor Air Act (MCIAA) and the County's Smoke-Free Workplace Policy which bans smoking statewide in all enclosed workplaces in Montana, smoking is prohibited in ALL County vehicles and in all County facilities.
11. Neither employees nor any passengers can have an alcoholic beverage container in the passenger compartment of a County-owned, leased, or loaned vehicle.
12. Employees are prohibited from using personal communication devices while driving a vehicle on County business. Texting is prohibited by the driver at all times while the employee driver is seated in the driver's seat. Use of a cell phone while driving is prohibited unless calls can be made using hands-free devices.
13. Employees must follow established County procedures regarding the care, maintenance, and cleaning of County vehicles. Employees must immediately report any problems or issues to their department head/elected official and/or the County Road Department to ensure that all problems are fixed promptly and vehicles safely operate at maximum efficiency for as long as possible.

Incident Reporting

Relevant Information: MCA Title 39, Chapter 7

Ravalli County's policy on incident reporting pertains to all incidents that result in injury or property damage to or on County property or when: (i) an employee, elected official, or representative of the County is involved (ii) while in the course or scope of employment or official duties.

All incidents must be reported in the manner prescribed in this policy.

An "incident "means an occurrence, including an accident, which results in injury to persons or damage to property. An incident includes any injury or occupational disease as those terms are defined in Workers Compensation laws of the State of Montana.

An incident occurs in the course or scope of official duties: (i) when it occurs while on the job or while performing job duties, including job-related travel: or (ii) when it involves a County vehicle, tools, equipment or other County property.

Reporting

Every employee, elected official, or representative of the County who witnesses, learns of, suffers, or is involved in an incident has a duty to report the incident or to see that it is reported.

Incidents must be reported by the most expeditious means possible to the department head/elected official who shall forward the report to the HR Department by the next business day. The Commissioners shall notify the Human Resources Director if the incident involves an employee, elected official, or a representative of the County. If there is no department head to whom to report, an incident report shall be directed to the Commissioners.

Operators of a motor vehicle in the course or scope of employment or official duties that is in any manner involved in an accident within the State of Montana shall immediately notify law enforcement when and in such manner as required by law.

Those reporting an incident shall fill out and cooperate in completing all required reports, including accident, workers compensation and other required reports, as applicable.

An employee who suffers a work-related injury or an occupational disease shall not resume his/her job duties until released by the treating physician.

Investigation; Use of Report

Incident reports are confidential and shall, to the extent permitted by law, remain confidential, but must be submitted to law enforcement, insurers, compensation insurers and government agencies when required by law or by terms of an applicable insurance policy.

Anyone involved in an incident shall cooperate in any investigation concerning the incident. Incidents shall be thoroughly investigated by the applicable Department head, Human Resources Director, or as otherwise directed by the Commissioners. Such investigation shall be in addition to, but shall not interfere, with any investigation conducted by law enforcement, an insurer, or by an authorized governmental agency.

Employees, elected officials, or representatives of the County who hold a commercial driver's license (CDL) or who are enrolled in a drug/alcohol testing program and who are involved in any way in a motor vehicle accident are subject to and must comply with applicable Department of Transportation and Ravalli County Policies, including, if applicable, mandatory drug and alcohol testing.

In addition to any other lawful use, the results of an investigation may be used for educational purposes, to study ways to reduce incidents, or as a basis for corrective or disciplinary actions. When so used confidentiality shall be maintained to the extent reasonably feasible or as otherwise required by law.

Emergencies

In the event of an emergency **CALL 911**. Cooperate with and take direction from law enforcement and emergency services.

Do not leave the scene of an accident until cleared to do so.

Do not speculate as to the cause or who might be at fault or subject to liability.

Weapons on County Property

The County strives to provide a safe and healthy working environment for all employees. As part of this effort, the County has a policy limiting the possession and storage of firearms in County-owned buildings and County-owned vehicles.

Firearms

Employees on County business may not carry a firearm on their person or carry or store a firearm in a County-owned or County-leased building or vehicle, unless they are:

- specifically authorized by state or federal law to carry a firearm as a condition of employment;
- engaged in field work in which the employee carries a firearm for conducting official County business

The County may grant an individual employee or job class a written exception to this policy.

Dangerous Weapons

Possession of other dangerous weapons, explosives, large knives, swords, etc., and/or any other weapon deemed inappropriate by the County is prohibited on all County premises, in all County buildings, in County vehicles, or in a personal vehicle while conducting County business

WORKPLACE EXPECTATIONS

Confidentiality

Relevant Information: MCA 2-2-101 and 2-2-304

The public and other parties with whom the County does business entrust the County with important information relating to their businesses and personal lives. It is our policy that all information considered confidential will not be disclosed to external parties or to employees without a "need to know." If an employee questions whether certain information is considered confidential, he/she should first check with his/her immediate supervisor.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

All inquiries from the media must be referred to the employee's Department Head or Elected Official.

Prohibited Conduct and Guidelines for Appropriate Behavior

Standards of conduct provide ethical and behavioral guidance for public employees. As an integral member of the County team, employees are expected to accept certain responsibilities and adhere to acceptable conduct and business practices.

This not only involves demonstrating respect for the rights and feelings of others but also demands that employees refrain from any behavior that might be detrimental to themselves, their co-workers, and/or the County. Employee conduct reflects on the County. Consequently, employees are encouraged to observe the highest standards of professionalism at all times.

County employees are expected to accept certain responsibilities, protect the public from harm, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times.

Prohibited Conduct

Listed below are types of prohibited workplace conduct and behavior. This list should not be viewed as being all-inclusive. Actions the County deems inappropriate and that will lead to disciplinary action include, but are not limited to:

1. Falsifying employment or other County records or making false statements.
2. Violating the County's policy on **Equal Employment Opportunity** (pg. 5), which prohibits County Employees from refusing employment or discriminating in compensation or other terms, conditions, and privileges of employment based on race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation, political beliefs, genetic information, veteran's status, culture, social origin or condition, or ancestry.

3. Harassment of employees, or any person doing business or interacting with the County, because of a person's race, color, national origin, age, physical or mental disability, marital status, religion, creed, or political beliefs. (See **Preventing Harassment and Discrimination** herein.)
4. Sexual or other unlawful or unwelcome harassment. (See **Preventing Harassment and Discrimination** herein.)
5. Violating the Montana Code of Ethics statute (MCA 2-2-101) which prohibits using public time, facilities, or resources for private business or political purposes; acts that create a conflict of interest between public and private interests; accepting substantial gifts; and sets forth other standards, prohibitions, and requirements outlined in **Ethics and Conflict of Interest** herein.
6. Violating the nepotism statute (MCA 2-2-304). Nepotism is an unfair practice that occurs when hiring is based on personal connections rather than ability or merit, and is further addressed in **Nepotism** herein.
7. Establishing a pattern of absenteeism or tardiness.
8. Use of County equipment, vehicles, supplies, time, or facilities for private purposes or any other violation of the **Vehicle and Equipment Use** policy herein which includes, but is not limited to, failing to operate County vehicles and equipment safely or in the proper manner, abusing vehicles or equipment, or operating County vehicles or equipment while under the influence (as defined in MCA 61-8-401).
9. Violating the Drug Free Workplace Act described in **Drug- and Alcohol-Free Workplace** herein, including, but not limited to, reporting to work intoxicated or under the influence of un-prescribed drugs, testing positive for drug and/or alcohol use, bringing or using alcoholic beverages on County property, or using alcoholic beverages while engaged in County business away from County property. This includes possessing or using alcohol or un-prescribed drugs in County vehicles or private vehicles being used for County business.
10. Threatening, fighting, or causing or performing violent acts in the workplace or any other violation outlined in **Workplace Violence Prevention** herein.
11. Theft of property from County employees, the County, or the public, including removal from the premises, without proper authorization, of food, company property or property of other employees, customers, and the general public.
12. Possessing dangerous, unauthorized materials such as firearms or explosives on County premises, in County vehicles, or while on County business. See **Weapons on County Property** herein.
13. Disregarding safety or security regulations as outlined in **Workplace Safety Program** herein.

14. Engaging in insubordination, which is the refusal to follow a direct order by the supervisor.
15. Failing to maintain the security of confidential information.
16. Failing to perform duties in a satisfactory manner.
17. Violating the **Smoke-Free Workplace** policy herein, which adheres to the Montana Clean Indoor Air Act. The MCIAA bans smoking in all enclosed workplaces in Montana. Smoking is prohibited in all County facilities and vehicles.
18. Violating the **Personal Telephone Calls and Personal Communication Devices** policy herein by using County telephones inappropriately or using personal communication devices such as cell phones, smart phones, tablets, etc., to communicate, Email, text, view inappropriate material or interact with social media sites (Facebook, Twitter, etc.) during work hours. This policy does not preclude employees from visiting social media sites within the scope of their employment.
19. Violating the **Computers, Internet, and Email** policy herein, which prohibits improper use of these products and services including, but not limited to; altering or installing unauthorized software or hardware, revealing pass codes and files without authorization, using the County Internet and Email systems for non-County business-related purposes, and creating, transmitting, or viewing any offensive or inappropriate material, data, or images that may be construed to violate the County's **Preventing Harassment and Discrimination** or **Equal Employment Opportunity** policies herein.
20. Using abrasive, impolite, or offensive conduct, gestures, or language toward the public, County officials, or other employees.
21. Abusing break times and/or lunch periods as outlined in the **Hours of Work, Meal Breaks, and Rest Breaks** policy herein.
22. Misrepresenting travel expenses and/or using County credit cards inappropriately or without authorization as set forth in the **Credit Cards and Travel Expenses** policy herein.
23. Violating drug and alcohol rules and regulations established for employees required to have Commercial Driver's Licenses.
24. Failing to appear or dress in a manner acceptable for the position, including use of personal protective equipment (PPE) as needed.
25. Failure to return County equipment or property upon termination of employment. (See **Return of County Equipment** herein.)
26. Failure to respond or conduct County business appropriately while performing on-call duties.
27. Gambling on County time.

28. Conviction of a felony
29. Refusing to adhere to the **Use of Scented Substances** policy herein, after a supervisor requests that an employee not come to work wearing a perfume, lotion, moisturizer, etc., about which a fellow employee has complained.
30. Any other act, failure to act, failure to adhere to any policy, or negligence which is injurious to the County, its employees, or the general public.

Guidelines for Appropriate Behavior

In accepting employment with the County, the employee assumes certain duties, responsibilities, and relationships which are to be observed during his/her tenure of employment. Upon hiring, all employees shall agree and accept the following responsibilities and work rules as a condition of continued employment. The employee agrees to:

1. Work conscientiously toward achieving the objectives of the County in compliance with its philosophy, policies, rules, procedures, and performance standards.
2. Perform assigned duties in a satisfactory manner and within specified guidelines.
3. Work with other staff members in a sincere, tactful, and positive manner.
4. Be punctual and utilize working hours in their most effective and productive way; notify his/her supervisor, in accordance with applicable policy, when the employee is unable to show up for work; refrain from excessive tardiness or absences; and refrain from leaving the work station early without prior approval.
5. Respect the confidentiality of County citizens' and employees' information, and not disclose confidential information and/or administrative matters.
6. Immediately report in writing any accident occurring at work, whether or not there is immediate evidence of personal injury.
7. Immediately report any unsafe condition observed at the work site.
8. Use the County's property in a responsible and appropriate manner. Employees shall not provide unauthorized access to County facilities to any individual. Employees shall protect the County's property from damage and refrain from taking or using County property for personal use.
9. Be constantly mindful that the County and its staff have an obligation for the welfare and wellbeing of citizens served through its programs.
10. Respect co-workers and maintain appropriate conduct during work hours
11. Refrain from and report any witnessed embezzlement; theft; insubordination; unsatisfactory work performance; harassment or discrimination; falsifying or using falsified records, materials, requisitions, passes, time sheets, or other documents used

by the County; violation of County policies and procedures; and misuse or neglect of County benefits, property, co-workers, suppliers, vendors, contractors, or citizen

12. Refrain from and report any conduct which may endanger the safety of others, which is disruptive of the County's operation, or impairs the ability of others to accomplish their work.
13. Refrain from interfering with or obstructing investigations and the investigator when suspected or alleged violations of any work rules, procedures, or policies may require investigation by or on behalf of management. Should the need for investigation arise, employees are expected to be open and cooperative in assisting the investigator.

Employees are advised that in no circumstances are these rules and policies to be interpreted as limiting the employee's ability to discuss workplace policies and procedures. However, policies and procedures are ultimately a management right.

Employee conduct reflects on the County. Employees, consequently, are encouraged to observe the highest standards of professionalism at all times.

Disciplinary Action

Violations of the above standards or other County, state, or federal rules, or conduct which is injurious to the County's interests or those of its employees, may result in disciplinary action which can include written or oral warnings, suspension, demotion, termination*, or other appropriate discipline. In all cases, an employee subject to disciplinary action shall be informed by the department head of the alleged violations and employer's evidence, and the employee shall be allowed to present his/her side of the story and evidence orally and/or in writing before discipline, if appropriate, is imposed.

Ethics and Conflict of Interest Policy

Relevant Information: MCA 2-2-101, et. seq.; Appendix B: Ethics and Conflict of Interest Acknowledgement Form

County employees serve the people of the County and owe them a duty to uphold their trust and maintain their confidence in the integrity of public employees. These principles require employees to avoid conflicts of interest, bias and favoritism, and the appearance of impropriety (i.e., acts that appear illegal or wrongful to the average citizen). County employees must conduct themselves in adherence to the rules of conduct stipulated for public employees in MCA 2-2-104. The general provisions are outlined in subparagraph 'A' below. All employees must sign the **Ethics and Conflict of Interest Acknowledgement Form** found in **Appendix B** of this Handbook.

Ravalli County will enforce a minimum set of standards that all employees must follow. Please refer to the section above on **Prohibited Conduct and Guidelines for Appropriate Behavior** for a more comprehensive, yet not all inclusive, list of inappropriate conduct, as well as appropriate conduct and behavior to which all county employees must adhere. Failure to abide by or comply with any of the items in those policies or this **Employee Ethics Policy** is a basis for disciplinary action up to and including termination.

In General, County Ethics Standards Prevent Employees From:

- using public time, facilities, or resources for private business or political purposes (unless authorized by law);
- acts that create a conflict between public and private interests (MCA 2-2-101), which may include major financial transactions with someone an employee regulates or supervises, performing official acts to harm private competitors, performing official acts to benefit an employee's own business interests, and other conflicts of interest;
- disclosing or using confidential information for personal economic benefit;
- accepting payment for helping people to obtain a contract, claim, license, or economic benefit from the County;
- taking payment for overlapping hours in two or more public jobs;
- requesting or accepting employment with a person the employee regulates without notifying department heads; and
- accepting substantial gifts or economic benefits (i.e., generally anything more than \$50.00) that could influence or reward official actions.

The list above includes only some of the ethical standards and requirements that County employees must follow.

Violations of this Code of Ethics may not only result in disciplinary action, but may result in the County Attorney bringing a civil action in district court or criminal charges which may be prosecuted to the full extent of the law (MCA 2-2-144).

Conflict of Interest

County employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative or other party of interest (as described below) as a result of the County's business dealings.

If employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to a supervisor or department head as soon as possible the existence of any actual or potential conflict of interest, so that safeguards can be established to protect all parties. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the County does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the County.

Seeking Guidance on Ethical Dilemmas or Issues

Before doing anything that might create an ethical problem, employees should ask their supervisor for guidance. Employees should also report ethical concerns to supervisors, who can advise them on how to avoid or resolve potentially serious problems. After an employee notifies a department head of a possible violation, they can also file a complaint through established County protocols.

Outside Employment

Relevant Information: Montana code of Ethics 2-2-101 through 105 MCA

Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

Activities and conduct away from the job must not compete with, conflict with or compromise the County interests, interferes with the employee's ability to discharge County duties in full or adversely affect job performance and the ability to fulfill all job responsibilities. Any employment where the normal duties with the County place the employee in a position to exercise influence which may enhance the outside interest are forbidden. Employees are prohibited from performing any services for citizens on nonworking time that are normally performed by Ravalli County. This prohibition also extends to the unauthorized use of any county tools, vehicles or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If Ravalli County determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment or their employment with the County.

Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

It is the employee's responsibility to disclose any overt or potential conflict of interest to his/her direct supervisor and to take steps to ensure a conflict does not exist. If it is determined that the outside employment constitutes a Conflict of Interest, and the employee fails to take steps to eliminate or prevent the conflict, disciplinary action may be taken.

Attendance and Punctuality

Ravalli County expects that their employees will work a full day for a full day's pay. Employees are expected to be at their assigned work stations, and ready to work at the start of their assigned shifts.

Vacations must be scheduled with one's supervisor in advance. Sick leave may be used in the case of emergency or sudden illness without prior scheduling. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted all available paid time off. Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee's attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps.

A no-call/no- show lasting three days will be considered job abandonment and will be deemed an employee's voluntary resignation of employment.

Attire and Grooming

It is important for all employees to project a professional image while at work by being appropriately attired. Ravalli County employees are expected to be neat, clean and well-groomed while on the job. Clothing must be consistent with the standards for a business environment and must be appropriate to the type of work being performed.

Some basic essentials of appropriate dress include the wearing of socks or stockings and the need for clothing to be neat and clean. All employees must be covered from shoulders to knees at all times (no excess cleavage, no see-through clothing for men and women or sleeveless shirts for men are permitted at any time). A reasonable standard of dress for the position held should be followed.

Ravalli County is confident that employees will use their best judgment regarding attire and appearance. Management reserves the right to determine appropriateness. Any employee who is improperly dressed will be counseled or in severe cases may be sent home to change clothes. Continued disregard of this policy may be cause for disciplinary action, which may result in termination.

Use of Scented Substances

The ability to perform one's job may be adversely affected by scented substances, i.e., perfume, cologne, lotion, oil, and scented deodorants. Staff members are encouraged to inform their supervisor or department head when this situation exists, and County employees may be instructed to stop coming to work with scented substances that bother their fellow employees.

Personal Telephone Calls and Personal Communication Devices

Personal Telephone Calls Using County Telecommunication Systems

County-provided phones are to be used for County business and may be used for personal business on a limited basis only. The use of telecommunications equipment for essential personal business (e.g., calls to children, teachers, doctors, day care centers, and family members to inform them of unexpected schedule changes and other essential business) must be kept to a minimum, and not interfere with conducting County business.

In the event an employee has to make an essential long distance or cellular phone call (using a County-provided cell phone). It is the employee's responsibility to ensure that no cost to the County results from personal phone calls.

Personal Communication Devices

The use of personal communication devices such as cell phones, smart phones, tablets, PDA devices, etc., to communicate, E-mail, text, or interact with personal social media sites (Facebook, Twitter, etc.) during work hours is prohibited. Breaks and the lunch hour excluded. The use of cell phones for essential personal business (e.g., calls to children, teachers, doctors,

day care centers, and family members to inform them of unexpected schedule changes and other essential business) must be kept to a minimum, and not interfere with conducting County business

All personal communication devices should have any tones inaudible to other employees and members of the public. Employees whose jobs require public interaction are not permitted under any circumstances to use a personal communication device while interacting with and servicing members of the public.

Utilizing a computer or personal device that connects with the Internet to visit an offensive site or inappropriate material during work hours or break periods is prohibited and subject to disciplinary action. This prohibition includes sexually explicit or offensive messages or images, cartoons or jokes, ethnic or religious slurs, racial epithets, or any other statement or image that might be construed as harassment or disparagement on the basis of race, color, religion, sex, national origin, age, disability, or any other status protected by law. Transmitting critical or derogatory statements from a Ravalli County computer regarding County employees on a public social media site may be grounds for disciplinary action up to and including termination.

Electronic Communication and Internet Use Computers, Internet and Email

All County business equipment, hardware, software, network equipment, communications systems, Internet, Email, and data are the property of the County, and employees can use these only for authorized purposes such as conducting County business. Please see the department head or coordinate with the Information Technology (IT) department for instructions (and when troubleshooting is necessary) about the operation of computers, telecommunication systems, or other electronic devices used on the job. Employees must operate all IT equipment according to manufacturers' user instructions and County policy. All employees must sign the **Computers, Internet, and Email Policy Acknowledgement Form** found in **Appendix D** of this Handbook.

Computers

Employees shall not install, modify, or remove any software operating on County computers. Employees may request review of additional software applications that may enhance or improve existing systems. In order to protect the County computer systems from viruses, all CD's, flash drives, smart phones, Blue Tooth, Tablets, I pod, MP3 players, software, etc., should be reviewed and approved by the IT department prior to installation. The IT department is responsible for the overall operation of the County computer systems; and all installation, modification, or removal of software, hardware, or data should be reviewed and approved by the IT department.

Employees shall not use or disseminate codes, access a file, or retrieve any stored communication, other than where authorized, unless there has been prior clearance by the supervisor or department head. All pass codes are the property of the County. No employee may use a pass code that is unknown to the County. Pass codes shall not be written down where they can be found by unauthorized personnel, and will not be shared with other individuals.

Internet and Email

Employees should not expect any privacy with County Internet and Email use. The County may monitor Internet use for planning and managing network resources, performance, troubleshooting, and suspected or potential abuse. All messages employees create, send, or retrieve over the County's systems are the property of the County.

County Internet and Email use are available for conducting County business. County employees may not use the County-maintained Internet, intranet, and related services for activities not related to County business. The County recognizes that sometimes an employee may use County computers and Internet for essential types of personal use; however, this must be kept to a minimum and not be excessive. Some departments allow employees to access the internet on their breaks or lunch period. Please check with your supervisor for your department's policy. At no time is the internet to be used for viewing inappropriate web sites.

The creation, transmission, or viewing of any data or images that may be construed to violate the County's **Preventing Harassment and Discrimination Policy** or **Equal Employment Opportunity Policy** is strictly prohibited. This prohibition includes sexually explicit or offensive messages or images, cartoons or jokes, ethnic or religious slurs, racial epithets, or any other statement or image that might be construed as harassment or disparagement on the basis of race, color, religion, sex, national origin, age, disability, or any other status protected by law. None of the County's information technology resources may be used to transmit critical or derogatory statements regarding employees, political figures, or any other persons.

The following guidelines have been established for using the Internet, county-provided cell phones and e-mail in an appropriate, ethical and professional manner:

- Internet, County-provided equipment (e.g., cell phone, laptops, and computers) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon Ravalli County or be contrary to Ravalli County's best interests; and engaging in any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and county-provided equipment such as cell phones and laptops.
- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees must not use the system in a way that disrupts its use by others. Employees must not send or receive large files that could be saved/transferred via thumb drives. Employees are prohibited from sending or receiving files that are not related to work.
- Employees should not open suspicious e-mails, pop-ups or downloads. Contact IT with any questions or concerns to reduce the release of viruses or to contain viruses immediately.

- Any County e-mails, including e-mails sent from personal devices are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the county.

Internet access is provided by the County to assist employees in obtaining work-related data and technology. All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the County and, as such, is subject to disclosure to law enforcement or other third parties. Employees may also be held personally liable for any violations of this policy.

- Nothing in this policy should be construed as prohibiting an employee's right to engage in concerted activity or to discuss the terms and conditions of their work as permitted by the National Labor Relations Act,

Right to Monitor

All County-supplied technology and county-related work records belong to the county and not to the employee. Ravalli County routinely monitors use of county-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

For a complete list of Ravalli County IT policies please visit our home page at www.rc.mt.gov

Social Media—Acceptable Use

Below are guidelines for social media use. This policy is not intended to limit in any way an employee's right to free speech.

- Employees may not post financial, confidential, sensitive or proprietary information about the County, the public, employees or applicants.
- Employees may not post obscenities, slurs or personal attacks that can damage the reputation of the county, citizens, employees or applicants.
- Employees should not access, or post on, personal social media sites while at work.
- When posting on social media sites, employees must use caution when discussing work/job related issues as it could make their personal e-mail, or social media postings, subject to public disclosure.

Solicitations, Distributions and Posting of Materials

Ravalli County prohibits the solicitation, distribution and posting of materials on or at county property by any employee or nonemployee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities approved by the Ravalli County Board of County Commissioners.

Provisions:

- Non-employees may not solicit employees or distribute literature of any kind on county premises at any time.
- Employees may only admit nonemployees to work areas with management approval or as part of a county-sponsored program. These visits should not disrupt workflow. An employee must accompany the nonemployee at all times. Former employees are not permitted onto company property except for official company business.
- Employees may not solicit other employees during work times, except in connection with a county-approved or sponsored event.
- Employees may not distribute literature of any kind during work times or in any work area at any time, except in connection with a county-sponsored event
- The posting of materials or electronic announcements are permitted with approval from BCC.

Violations of this policy should be reported to Human Resources.

Employee Personnel Files

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

Employee files, personnel records and medical information, are maintained by the Human Resource department, are the property of Ravalli County and are considered confidential. Managers, supervisors and the Board of County Commissioners may only have access to personnel file information on a need-to-know basis. Individuals with authorized access to employee information are expected to preserve the confidentiality of this information.

Establishment of Procedures and Responsibilities for the Maintenance of Personnel Records

- Human Resources personnel, or other individual designated by the County Commission is responsible for establishing and maintaining an official personnel file for each County employee.
- All employee personnel records are confidential, and access is restricted.
- Department Heads/Elected Officials are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.
- Each employee is responsible for the verification of information contained in the personnel file. No materials in a personnel file may be removed from the personnel file.
- Any employee wishing to review his/her personnel file may do so. The employee must request a review, and it shall be done at a mutually convenient time with Human Resources personnel present. The employee will not be permitted to remove any information from the file but can obtain copies of desired documents.

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

The following permanent documents are retained in accordance with Ravalli County's retention policy:

- Employee application and résumé
- Job description and specification information
- Job performance ratings and evaluations
- Education/training information

- Personnel data
- Personnel action forms
- Documentation of disciplinary action or warning of same

Medical or Other Confidential Personal Information

The County maintains separate, confidential personal medical information files on each employee in compliance with HIPPA requirements.

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

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

A manager or supervisor considering the hire of a former employee or transfer of a current employee may be granted access to the file, or limited parts of it, in accordance with antidiscrimination laws.

Personnel file access by current employees and former employees upon request will generally be permitted within three days of the request unless otherwise required under state law. Personnel files are to be reviewed in the Human Resource department. Personnel files may not be taken outside the department.

Representatives of government or law enforcement agencies, in the course of their duties with proper documentation, may be allowed access to file information.

Should Ravalli County have information regarding an employee's medical condition(s) such files will be kept separately from the employee's personnel file.

Hours of Work, Time Reporting, Wages

Hours of Work and Work Week

County positions are vital to effectively managing County business during operating hours and, therefore, County employees shall follow established work schedules, receive prior approval from their supervisor to deviate from normal schedules, and use proper procedures for notification of daily work hours in accordance with this policy and the policy set forth in **Timesheets and Records of Attendance** herein.

The work week will consist of seven (7) twenty-four (24) hour days; Monday through Sunday, except for staggered schedules. Except as otherwise provided by labor agreements, the normal working hours for employees are eight (8) hours, from 8:00 a.m. to 5:00 p.m., with one (1) unpaid hour lunch period (This does not include personnel engaged in shift work nor does it limit management's ability to assign alternate shifts). Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. Supervisors set individual work schedules depending on the office/departments' needs.

Time sheets will be maintained by each office and/or department, including date and time absent and reason for absence. Tardiness or other attendance irregularities may be cause for disciplinary action.

Hours for employees may vary from the normal office hours established above due to the nature of the work. Work schedules must be approved by the appropriate Elected Official/Department Head.

Nothing in the Policy limits the County from establishing or changing work schedules as necessary for the successful operation of County programs.

Meal/Rest Periods

The scheduling of meal periods at Ravalli County is set by the employee's immediate supervisor with the goal of providing the least possible disruption to county operations.

Meal Period

Employee meal periods are important to county productivity and employee health. Employees who work at least six (6) consecutive hours will be provided a meal break not to exceed 60 minutes. The meal period will not be included in the total hours of work per day and is not compensable. Nonexempt employees are to be completely relieved of all job duties while on meal breaks and must clock out for meal periods.

Rest Breaks

Employees are permitted a 15-minute rest break for each four hours of work. Nonexempt employees on rest breaks are not required to clock in and clock out because this time is considered "time worked" and is compensable. Rest breaks are not mandated by law and certain work related situations may arise so that a 15*minute break is not permitted.

Impermissible Use of Meal Period and/or Rest Breaks

Neither the lunch period nor the rest break(s) may be used to account for an employee's late arrival or early departure or to cover time off for other purposes—for example, rest breaks may

not be accumulated to extend a meal period, be combined to allow one half-hour long break nor may they be "banked" to take at a later date.

Overtime Pay (nonexempt employees)

Non-exempt employees (employees who are not exempt from the overtime provisions of the Fair Labor Standards Act) shall receive overtime compensation at the rate of 1½ times their regular hourly rate of pay for all hours worked exceeding forty (40) in a work week.

Overtime applies only after forty (40) hours of actual work, not hours paid. Time taken as leave or holidays is not considered hours worked. Paid leave, such as holiday, sick or vacation pay, does not apply toward work time. Time spent in job-related meetings, courses, and training programs will generally count as time worked. An exception may apply if the employee's attendance is truly voluntary, is outside normal working hours, does not relate directly to the job, and if the employee does not perform productive work while attending the meeting or program.

The workweek begins at 12:00 a.m. on Monday morning and ends at 11:59 p.m. on Sunday night.

Employees who anticipate the need for overtime to complete the week's work must notify the Department Head/Elected Official in advance and obtain approval before working hours that extend beyond their normal schedule.

Non-exempt Department Heads must obtain permission from the Board of County Commissioners prior to working any overtime. Non-exempt Department Heads are expected to flex their work week whenever possible in order to avoid accumulating overtime.

During busy periods employees may be required to work extended hours.

Compensatory Time

Relevant Information: FLSA 207(o) (1) through FLSA 207(O) (7)

It is Ravalli County's policy to provide fair and consistent administration of Compensatory Time for those employees required to work in excess of forty (40) hours in a workweek.

Non-exempt Compensatory Time

Non-exempt employees may not receive compensatory time in-lieu of overtime.

The County may, at its discretion, elect to pay out all or any portion of the balance of an employee's Compensatory Time. A non-exempt employee shall, upon termination of employment, be paid for unused accumulated compensatory time.

The Board of County Commissioners may, at its' discretion, make exceptions to this policy

Exempt Compensatory Time

Exempt compensatory time is not intended to provide any compensation in addition to the salaries established in statute. Rather, it is a means of providing greater flexibility in scheduling time for exempt, salaried employees. Exempt employees (employees who are exempt from the overtime provisions of the Fair Labor Standards Act) may receive compensatory time off for hours worked

in excess of their scheduled forty (40) hours per week, at the rate of one hour for each hour worked in excess of forty (40). Whenever possible exempt employees are expected to flex their work week in order to remain at a forty (40) hour work week. Exempt employees may accrue a maximum of forty (40) compensatory hours. No compensation will be provided for hours in excess of the forty (40) hours limit. Exempt employees will not receive compensation for unused compensatory time upon termination and may not use accrued compensatory time to extend their termination date.

Time taken as leave or holidays is not considered hours worked. Time spent in job-related meetings, courses, and training programs will generally count as time worked. An exception may apply if the employee's attendance is truly voluntary, is outside normal working hours, does not relate directly to the job, and if the employee does not perform productive work while attending the meeting or program.

Record Keeping

Elected Officials/Department Heads shall ensure that all overtime and compensatory time earned and used is recorded on the employee's time sheet as it occurs.

On-Call Duty

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

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

Compensation information for employees required to perform on-call duty shall be available from the Department Head or Human Resources.

Stipends

A stipend is a fixed amount of money typically given for specific services or specific job duties not included in an employee's standard Job Description. Stipends are not considered an increase to the employee's base salary and are not included when calculating COLA or longevity. Should the duties for which the stipend is being paid ends, or those duties are transferred to another employee, the stipend will end. The granting or removal of a stipend is at the Board of County Commissioners discretion and cannot be grieved.

When considering a stipend, it must be clarified if the stipend is to be given on "all hours paid" or on "all hours worked". The designation is dependent on both the complexity of the additional responsibilities and the amount of time devoted to duties for which the stipend is granted. Typically stipends are for all hours actually worked, as stipends are meant to compensate employees for performing a specific task, duties or responsibilities. The stipend designation as either; "all hours paid" or "all hours worked" must be approved by the Board of County Commissioners and noted on the Employee Action Form accompanying the stipend approval.

All hours paid – stipend is paid on all hours when the employee is in a paid status including holidays, vacation and sick time.

All hours worked – stipend is paid only on hours worked while performing those duties specific to the stipend, but NOT on Holiday's, vacation and sick time.

Grant Funded Employees

All employees funded by grants fall under the County's personnel policy. Continued/long term employment for Employees whose positions are funded by grants is dependent on their performance and the continuation of the grant funding. Changes in funding levels for the various grants will affect the employees who are grant funded. Should the grant funding end, the position will be eliminated and the grant funded employee will have their employment terminated.

Wages for grant-funded employees are set by the Commissioners annually and are based on the grant amount.

The Department Head and/or the grant funded employee do not have the authority to set their own pay rates without the approval of the Board of County Commissioners. When completing grant applications, the person requesting the grant must contact the Human Resources Department to have them calculate the costs (salary and benefits) for the grant-funded employee(s) to be included with their grant application.

Time Reporting

A work hour is any hour of the day that is worked and should be recorded to the nearest tenth of an hour. The workday is defined as the 24-hour period starting at 12:00 midnight. and ending at 12:00 midnight 24 hours later. The workweek covers seven consecutive days beginning on Monday and ending on Sunday. The usual workweek period is 40 hours.

Overtime is defined as hours worked by an hourly or nonexempt employee in excess of 40 hours in a workweek and should be recorded to the nearest tenth of an hour. Overtime must be approved in advance by the manager to whom the employee reports.

Employees will submit their time sheet bi-monthly to their supervisor. Each employee is to maintain an accurate daily record of his or her hours worked. All absences from work schedules should be appropriately recorded.

Time Sheets / Records of Attendance

Relevant Information: *CFR 541.710*

Time sheets are to be completed by all employees. Elected Officials are exempt from this provision. The Time Sheet shall be reviewed by HR and the Finance department and include:

- Employee name
- Department
- Pay period
- Hours to be compensated, broken down on a daily basis including:
- Hours worked
- Holiday hours
- Sick leave hours
- Compensatory time hours
- Annual leave hours
- Leave without pay or other designated leave (e.g. FMLA etc.).
- Employee signature
- Supervisor's signature

Hours reported should accurately reflect hours worked. It is the Elected Official/Department Head's, or designees, responsibility to review time sheets for completeness and accuracy prior to submission to the Finance department for processing.

Exempt employees are required to submit an actual Time Sheet reflecting work time, leave time, and other hours applicable to County employment under the principle of accountability of public employees.

Payroll may be distributed by direct deposit with proper authorization from the employee. Paychecks will be distributed to the employee's department head unless other arrangements have been preapproved. An employee's paycheck may be released to the employee's spouse, designated family member, or another person only if authorized in writing by the employee.

Payment of Wages

Salary payments are made bi-monthly and paydays are usually on the 15th and the last day of the month. Pay periods are from the 24th through the 8th of the month paid on the 15th and from the 9th through the 23rd paid on the last day of the month. Should pay day fall on the weekend Ravalli County will make every effort to issue paychecks on Friday, prior to the weekend. If the normal payday falls on a County-recognized holiday, paychecks will be distributed one workday before the aforementioned holiday.

Overtime payment, which is included with the nonexempt employee's base salary payment, is also paid bimonthly with such payment covering hours worked in the prior pay period.

It is Ravalli County's policy that employee paychecks will only be given personally to that employee or mailed to his/her home address.

Employees may be paid by check or through direct deposit of funds to either a savings or checking account at the financial institution of their choice.

In the event of a lost paycheck, the finance department must be notified in writing as soon as possible and before a replacement check can be issued. In the event the lost paycheck is recovered and the county identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to the company within 24 hours of the time it is demanded.

If an employee wants to change the number of exemptions previously claimed a new Form W-4 must be submitted to the Human Resource department.

Payment Upon Termination

In all cases, upon termination final payment for all hours worked will be made no later than the next regularly scheduled pay date from the pay period in which the employee's separation occurred. Final payout of accumulated vacation, sick leave and compensatory time (non-exempt employees only) will be paid out in the week following the issuance of the final pay check.

BENEFITS

Montana Public Employees Retirement System

Relevant Information; 19-3-101, et seq 19-3-412 & 505 MCA

The County offers a retirement program guaranteed by the Montana Constitution through the Public Employees Retirement System (PERS) or the Sheriff's Retirement Program (SRS). Participation includes contributions from both the employee and the County.

Employees are generally required to participate in the Montana Public Employee Retirement System. Membership in the retirement system is not optional for an employee who is already a member. Membership requires that a percentage of an employee's wage (currently 7.29%) is mandatorily contributed to the Employees retirement account. The County also contributes a to the employee's retirement account. The percentage amounts are set by the Montana legislature.

Those employees whose membership is optional include:

- a) Elected officials of the state or local governments who are paid on a salary or wage basis rather than on a per diem or other reimbursement basis; or
- b) Were members receiving retirement benefits under the defined benefit plan or a distribution under the defined benefit plan at the time of their election.
- c) Employees serving in employment that does not cumulatively exceed a total of 960 hours of covered employment with all employers under PERS in any fiscal year.
- d) The Chief Administrative Officer.

If an employee wishes to decline optional membership, the employee shall sign a statement waiving membership and file it with the employer. An employee who declines optional membership may not receive membership service or service credit for the employment in which membership was declined.

An employee who declines membership while employed in a position for which membership is optional may not later become a member while still employed in that position. If, after a break in service of 30 days or more, an employee who is a member in an optional membership position is reemployed in the same position or is employed in a different position for which membership is optional, the employee shall again choose or decline membership. However, if the break in service is less than 30 days, an employee who declined membership is bound by the employee's original decision to decline membership.

An employee accepting a position that requires membership shall become a member even if the employee previously declined membership and did not have a 30-day break in service.

An employee who declines optional membership but later becomes a member may purchase service credit for the period of time beginning with the date of employment in which membership was declined to the commencement of membership.

Ravalli County will not pay retroactive employer contributions to PERS for the conversion by an employee or former employee for service with the County or any other employer that is not creditable service for PERS purposes. The entire cost of such conversions must be paid by the employee, or former employee.

For more information regarding PERS and SRS please contact the Montana Public Employee Retirement Administration.

Holiday's

Relevant Information: MCA 1-1-216 and 2-18-603; The Fair Labor Standards Act, U. S. Department of Labor

Employees in a pay status when a legal holiday occurs shall receive appropriate paid holiday leave or compensation. Ravalli County recognizes 10 paid holidays each year, 11 on election years:

Observed Holidays

- | | |
|------------------------------|-----------------------------|
| • New Year's Day | January 1 st |
| • Martin Luther King Jr. Day | Third Monday in January |
| • President's Day | Third Monday in February |
| • Memorial Day | Last Monday in May |
| • Independence Day | July 4 th |
| • Labor Day | First Monday in September |
| • Columbus Day | Second Monday in October |
| • Veteran's Day | November 11 th |
| • Thanksgiving Day | Fourth Thursday in November |
| • Christmas Day | December 25 th |
| • State General Election Day | November, even number years |

Holidays Falling on Weekends

If any holiday falls upon a Sunday, the Monday following will be observed as the holiday. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday, except as provided for in the next paragraph.

The employee shall receive holiday benefits and pay for work performed on the day the holiday is observed, unless the employee is scheduled or required to work on the actual holiday. If the employee is scheduled or required to work on the actual holiday, the actual holiday shall be considered as the holiday for purposes of calculating holiday benefits and pay for work performed on a holiday.

Benefits and Eligibility Requirements

An eligible employee shall receive holiday benefits for legal holidays. This benefit is paid time off or pay at the regular rate. Holiday benefits shall not exceed eight (8) hours per holiday. If an employee is regularly scheduled for 10 hour shifts, he/she may take an additional two (2) hours of accrued annual leave to achieve a forty (40) hour work week.

An employee must be in a pay status either the last regularly scheduled working day before or the first regularly scheduled working day after the holiday is observed to be eligible to receive holiday benefits.

An employee shall not be eligible to receive holiday benefits if:

- a) The employee is a new employee to County government and begins work on the day after a holiday is observed; or
- b) The employee is reinstated or re-employed following a reduction in force, returns to work following a leave of absence without pay of more than one pay period or a disciplinary suspension, or is called back to seasonal or temporary employment on the day after a holiday is observed.
- c) The employee is classified as a short-term employee.

Full-Time Employee Benefits

A permanent, temporary or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, shall receive eight (8) hours of holiday benefits. The employee usually receives the holiday off; however, the County reserves the right to require an employee to work on the day a holiday is observed. The employee shall be compensated for work performed on a holiday in addition to holiday benefits.

A permanent, temporary or seasonal full-time employee, whose regular schedule calls for a day off on the day a holiday is observed, shall be entitled to receive a day off with pay on the day preceding the holiday or on another day following the holiday in the same pay period or as requested by the employee and approved by the supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off. If a day off cannot be provided, the County may provide eight (8) hours of pay at the regular rate.

An employee who is exempt from the FLSA and who receives approval to work on the holiday will receive paid time off equivalent to the number of hours worked.

Part-Time Employee Benefits

Part-time permanent, temporary or seasonal employees will receive holiday benefits consistent with full-time employees on a prorated basis. Holiday benefits shall be an average of the employee's hours regularly scheduled to work in the pay period. To find the average, the number of hours regularly scheduled to work in a pay period in which the holiday falls shall be divided by the number of working days in a pay period. If the pay period in which the holiday falls is not characteristic of the employee's regular schedule, the County has the discretion to approximate the employee's schedule for purposes of determining holiday benefits.

Pay for Work Performed on a Holiday

An employee who is designated as non-exempt under the Fair Labor Standards Act (FLSA) and who works on the day a holiday is observed shall be paid for all hours actually worked. In addition to the holiday benefit provided for in this rule, the employee shall receive either a paid day off at the regular rate or pay as described below, at the County's discretion.

- a) If the holiday benefit is a paid day off to be taken at a later date, the employee shall receive pay at the regular rate for every hour worked on the holiday.
- b) If the holiday benefit is to be pay, but no day off, the employee shall receive premium pay (regular rate x 1.5) for all hours worked on the holiday. An employee shall not receive both premium pay and overtime pay for hours worked on a holiday.

If an employee does not work a regular schedule and is called in to work on the holiday, the employee shall receive pay at the regular rate for every hour work on the holiday.

Time off without pay may be granted to employees who desire to observe a recognized religious holiday that is not recognized by the company.

Vacation/Annual Leave

Relevant Information; 2-18-611 through 617 MCA and 2-18-621 MCA

It is Ravalli County's policy to provide Annual Vacation Leave benefits to all eligible employees in accordance with State law. Annual vacation leave or annual leave is an authorized paid absence from work. Permanent, seasonal, and temporary employees are eligible to earn annual leave. An employee begins earning annual leave on the first day of employment, and must complete six calendar months (180 days) of continuous employment to use annual leave or to cash it out upon termination.

It is also the County's policy to establish set procedures to clarify responsibilities in the implementation of this policy. All regular full- and part-time employees are eligible for vacation leave benefits. Part-time employees working 20 to 40 hours per week will earn vacation on a prorated basis. Vacation accrual begins on the first day of full- or part-time employment. Vacation is accrued according to the schedule in this policy. Vacation can be used only after it is earned.

Approval or denial of leave is based on the department's and employee's interests, and management reserves the right to deny requests. The total number of annual leave hours approved may not exceed the number of hours in a regular workweek.

Qualifying Period

An employee must be continuously employed for the qualifying period of six (6) calendar months to be eligible to use earned vacation leave or to be eligible for a lump sum payment for unused earned vacation leave credits upon termination. Unless there is a break in service, an employee is only required to serve the qualifying period once

A Seasonal employee's accrued vacation leave credits may be carried over to the next season if the County has a continuing need for the employee, or paid out as a lump sum payment when the season ends provided the six (6) month qualifying period has been completed.

Accrual

As provided by State law, each employee shall earn vacation credits in accordance with the schedule below based on the total years of employment with any State agency, County, City or political subdivision of the State of Montana. Verification of prior eligible employment must be submitted to the Human Resource Department to adjust the accrual rate.

Rate Earned Schedule	
Years of Employment*	Working Days Credit Per Year
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years or more	24

*In calculating annual vacation leave credits, only regular hours shall be considered and 2080 hours shall equal one year. Proportionate annual vacation leave credits shall be earned and credited at the end of each pay period.

Permanent Part-time Employees

Permanent part-time employees earn prorated annual vacation leave credits from the first day of employment. They are not entitled to annual vacation leave with pay until they have been employed for six calendar months. Prorated annual vacation leave credits are calculated using the following schedule multiplied by the hours in pay status in the pay period. Prorated annual vacation leave credits are to be reported by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

Rate Earned Schedule	
Years of Employment	Hours in the Pay Status in the Pay Period
1 day through 10 years	.058 x # of hours
10 years through 15 years	.069 x # of hours
15 years through 20 years	.081 x # of hours
20 years or more	.092 x # of hours

Temporary Full-time Employees

Temporary full-time employees receive the same annual vacation leave credits as permanent full-time employees but cannot use them for six months.

Temporary Part-time Employees

Temporary part-time employees earn the same prorated annual vacation leave credits as permanent part-time employees, but may not use them until they have been employed for six qualifying months.

Seasonal Full-time Employees

Seasonal full-time employees receive the same annual vacation leave benefits as permanent full-time employees, but cannot use them until they have been employed for six months. In order to qualify, they must be recalled and immediately report back for work when operations resume in order to avoid a break in service.

Seasonal Part-time Employees

Seasonal part-time employees receive the same annual vacation leave benefits as permanent part-time employees, provided they work the qualifying six months. In order to qualify, they must be recalled and immediately report back to work when operations resume.

Short-term Employees

Short-term workers do not receive annual vacation leave credits.

To schedule vacation time, employees must submit a request to the supervisor at least two weeks before the requested leave. Employees must ensure that they have enough accrued leave available to cover the dates requested. Requests will be approved based on a number of factors, including department operating and staffing requirements. The supervisor should respond to the employee within three business days of the date the request is submitted indicating that the request has been approved or denied. If the request for vacation leave is denied, the supervisor should provide a reason to the employee.

Vacation will be paid at the employee's base rate at the time the leave is taken. Vacation pay is not included in overtime calculation and does not include any special forms of compensation such as incentives, stipends or shift differentials. If a holiday falls during the employee's vacation, the day will be charged to holiday pay rather than to vacation pay.

Vacation leave taken beyond an employee's available vacation balance may be unpaid unless otherwise required under state or federal law.

Provisions

- Vacation hours are not counted as hours worked for the purpose of calculating overtime.
- An employee will not accrue vacation credits during a leave of absence without pay.
- An employee cannot request leave in excess of hours regularly scheduled to work or in excess of a 40 hour work week,
- Advancing annual leave credits prior to their accrual is expressly prohibited.
- Annual vacation leave taken on a legal holiday shall not be charged to an employee's annual vacation leave for that day.
- Absence from employment because of illness shall only be charged against annual vacation leave at the employee's request or if the employee has exhausted all sick leave credits.
- Persons employed in two or more positions shall accrue annual vacation leave in each position according to the number of hours worked. Leave shall be used only from the position in which earned in proportion to the number of hours normally scheduled and must be approved by the Elected Official/Department Head in authority over the position.

Maximum Accumulation

Department heads are responsible for actively managing annual vacation leave for employees by providing reasonable opportunity for an employee to use rather than forfeit accumulated annual vacation leave as provided in MCA 2-18-617. Management is encouraged to work with employees who have excess vacation leave balances as early as possible in the 90-day grace

period or at an earlier time if the employee's leave balance is projected to exceed two times the annual vacation accrual rate.

Employees are responsible for making a reasonable written request to use excess annual leave during the 90-day grace period. Management may approve all, some, or none of the employee's request by written response. If the original request is not approved, management and the employee may negotiate alternate leave dates during the 90-day grace period. If management denies all or any portion of the written request, management and the employee must work together to ensure that the employee may use the excess annual leave before the end of the calendar year. Any excess annual leave not used by the end of the calendar year in which the grace period was extended must be forfeited. At the discretion of the Ravalli Board of County Commissioners, excess vacation hours that the employee is unable to take because of business demands may be paid out.

Payment on Termination

Upon termination with the County for reasons not reflecting discredit on the employee, an employee who has worked the qualifying period will be paid for unused annual vacation leave credits at the rate of pay in effect at the time of termination. In the event of the employee's death, earned unused vacation time will be paid to the employee's estate or designated beneficiary. Vacation time may not be used to delay the effective date of termination.

Sick Leave

Relevant Information: 2-18-618 MCA and 2-18-1311

Sick leave credits are a valuable employee benefit that maintains an employee's income during a period of personal illness or family emergency. Sick leave credits should be carefully guarded and not dissipated or abused. Permanent, temporary and seasonal full-time employees earn sick leave credits from the first full day of employment for a total of 12 days per year. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period. While an employee may accrue 12 sick days per year, that does not validate 12 sick days per year as an acceptable standard of absenteeism.

Sick leave may be used for an employee's personal illness, well-care, and medical and dental appointments. Sick leave may also be used for illness and well-care in an employee's immediate family.

Qualifying Period

Employees are not entitled to utilize sick leave until they have been continuously employed for ninety (90) days.

Part-time, regular employees accrue sick leave from the date of hire, in a prorated amount using the full-time total of 12 days per year and the number of hours the part-time employee works per week. Short-term workers do not earn sick leave credits. The current sick leave accrual rate is .046 hours of sick leave for every regular hour worked. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Prorated sick leave credits are calculated by multiplying .046 by the number of hours worked, excluding overtime. Sick leave credits shall be earned and credited at the end of each pay period. Short-term workers do not earn sick leave credits.

Sick leave does not have a maximum accrual. Sick leave may not be used before accrual. If sick leave is exhausted, any available vacation hours will be used in its place. An employee who has a sick leave absence in excess of three consecutive working days may be required to present medical documentation (at the employee's expense) for the absence. Employees returning to work following a lengthy sick leave absence due to an injury or serious health condition will be required to present a doctor's release in order to return to work.

Eligible Use of Sick Leave

Employees may use sick leave credits for:

- time off when an employee is unable to perform job duties because of physical or mental illness, injury or disability;
Consultation, examination, or treatment by a licensed health care provider; (When possible, the employee's supervisor shall be notified at least 48 hours in advance.)
- maternity-related disability, including prenatal care, birth, miscarriage, abortion, or other medical care for either employee or child;
- parental leave as provided in MCA 2-18-606;
- quarantine resulting from exposure to contagious disease
- short-term attendance to an immediate family member or, at an agency's discretion, another relative because of physical or mental illness, injury, disability, or examination or treatment until other care can reasonably be obtained;
- necessary care of a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; and
- death or funeral attendance of an immediate family member or, at the discretion of Ravalli County Board of County Commissioners', another person

Provisions

- An employees will not accrue sick leave credits during a leave of absence without pay.
- Sick leave taken on a legal holiday shall not be charged to an employee's sick leave for that day but will be credited as a regular holiday.
- Advancing sick leave credits prior to their accrual is expressly prohibited.
- An employee cannot request leave in excess of hours regularly scheduled to work or in excess of a 40 hour work week,
- With the Ravalli County Board of County Commissioners' approval, an employee may substitute sick leave credits for annual vacation leave if the employee becomes sick while on approved annual vacation leave. The employee will be required to provide a medical certification as evidence of the illness.

Reporting

Absences which necessitate use of sick leave shall be reported by the employee to the supervisor or Elected Official/Department Head as soon as practical. Failure to report such leave within two (2) hours of employee's regularly scheduled starting time may be considered absence without approved leave. Absences without approval are grounds for disciplinary action

Medical Certification

When an employee is returning to duty following an illness or absence due to injury, or whenever the Elected Official/Department Head has reason to question the employee's ability to return to duty and perform his/her duties, the Elected Official/Department Head may require a medical certification of the employee's fitness to return to duty. The Elected Official/Department Head may also require medical certification that the employee does not impose a direct threat to the health or safety of himself/herself or others. If required, the County will pay reasonable costs

associated with securing medical certification that the employee does not impose a direct threat to the health or safety of himself/herself or others.

Abuse

Abuse of sick leave may be cause for disciplinary action up to and including termination. Sick leave may not be used as additional vacation leave or for additional time off. While employees accumulate 12 days of sick leave per year that does not necessarily mean that 12 sick days per year is an acceptable attendance record.

Abuse may also result in forfeiture of payment for any accumulated sick leave upon termination. Medical certification may be required if absences from duty recorded as sick leave is frequent, habitual, excessive, suggests a pattern of usage, for example sick leave taken immediately prior to or following a holiday, or if the Elected Official/Department Head has reason to believe the employee may be misrepresenting reasons for using sick leave. If requested, medical certification must be provided within five (5) working days.

Payment Upon Termination

Upon termination with the County for reasons not reflecting discredit on the employee, an employee who has worked the qualifying period will be paid for unused sick leave upon termination of employment at twenty five percent (25%) of the total accumulated sick leave. Termination pay will only apply to those credits earned since July 1, 1971. The pay attributed to the accumulated sick leave shall be computed on the basis of the employee's regular rate of pay at the time of termination of employment with the County.

Bereavement Leave

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately. Bereavement leave will be granted unless there are unusual business needs or staffing requirements.

All Bereavement Leave will be charged against the employee's Sick leave credits

Paid bereavement leave is granted according to the following schedule:

- Employees are allowed four consecutive days (5 consecutive days if the funeral which the employee attends is more than 500 miles from the workplace) of paid leave in the event of the death of the employee's spouse, child, father, father-in-law, mother, mother-in-law, brother, sister, stepfather, stepmother, stepbrother, stepsister, stepson or stepdaughter.
- Employees are allowed up to four hours of bereavement leave to attend the funeral of an employee or retiree of the county.
- To attend or make arrangements for a funeral of a member of the employee's immediate family for a period of time not to exceed four (4) consecutive calendar days except that such leave may be extended to five (5) consecutive calendar days if the funeral which the employee attends is more than 500 miles from the workplace. "Immediate" family means the employee's spouse and any member of the employee's household or any parent, child, sibling, grandparent, grandchild or corresponding in-law.

This policy does not limit an employee's ability to take additional time off during their time of bereavement using Vacation leave or accumulated Compensatory Time if that time is available.

Direct Grant of Sick Leave

Relevant Information: 2-18-618 MCA, 2-18-1311

Direct Grant of Sick Leave is established to allow County employees to share accrued sick leave according to the following procedures. A grant of sick leave may be available to a qualifying employee who suffers an extensive illness or accident.

Conditions to Make a Direct Grant

- a) To be eligible to make a direct grant of sick leave, an employee shall have completed the ninety (90) day qualifying period to take sick leave (Section 2-18-618 MCA) and shall have a minimum balance of forty (40) hours of accrued sick leave remaining in the granting employee's account following the contribution. The minimum balance for a part-time employee shall be prorated.
- b) An employee may directly grant a maximum of forty (40) hours of accrued personal sick leave in any continuous twelve (12) month period. The twelve (12) month period is calculated from the first day an employee makes a direct grant.
- c) An employee may make a direct grant of sick leave to an employee in any County department who is eligible to receive a grant.

Conditions to Receive Direct Grant(s)

Meeting the eligibility requirements of this procedure does not guarantee that receipt of sick leave shall be approved in any specific case by the department head

- a) An employee may receive no more than a maximum of 160 hours of sick leave in any continuous twelve (12) month period in direct grants. Leave granted to a part-time employee shall be prorated.
- b) The twelve (12) month period is calculated from the first day the employee takes sick leave which is a direct grant.
- c) No employee is eligible to receive direct grants of sick leave without the approval of the Elected Official/Department Head or the Board of County Commissioners.
- d) If an employee is incapacitated and unable to apply for leave of absence or direct grants, the employee's Elected Official/Department Head may do so on behalf of the employee.
- e) An employee may receive a direct grant of sick leave to provide necessary care of, or attendance to, an immediate family member. The maximum allowable time for this purpose is eighty (80) hours.

Eligibility to Receive Direct Grant(s)

To qualify the Employee must have suffered an extensive illness or accident that prevents him/her from working due to medical reasons, or an immediate family member of the Employee requires care or attendance by the Employee that prevents the Employee from working.

- In order for an employee to receive a direct grant of sick leave the employee must have met the 90-day qualifying period to take sick leave in accordance with County Sick Leave policies. [MCA 2-18-618(1)]
- Experience an extensive illness or accident which results in, or will result in, an absence from work of no less than ten consecutive working days and;

- Must have exhausted all personally accrued sick leave, annual leave, all other leave and compensatory time and;
- Receive approval from the department head/ elected official or the board of County Commissioners to receive a Direct Grant of Sick Leave.
- Provide their Department Head or Human Resources a physician's certification of extensive illness or injury.

If an employee is incapacitated and unable to apply for leave of absence and a grant for Sick Leave the Department Head or another person may do so for the employee.

Qualifying Part Time Employees are also eligible for this benefit but at a pro-rated rate based on the number of hours the employee is scheduled per week.

The Ravalli County Board of County Commissioners may grant exceptions to this policy.

Prohibited Uses

An employee shall not receive direct grants of sick leave:

- If the employee is no longer employed by the County.
- When the employee is on a leave of absence without pay for a reason other extensive illness or accident

Maternity and Parental Leave

Relevant Information: Montana Human Rights Bureau: Rights of Pregnant Employees, MCA 49-2-310 and 311; Parental Leave for State Employees, MCA 2-18-606

The maternity and parental leave policy provides for unpaid leave for eligible employees associated with the birth or placement of a child. It is unlawful for the County to terminate a woman's employment because of her pregnancy. Even if she is ineligible for sick leave or FMLA leave, a woman is still eligible for maternity leave; and she may also be eligible for parental leave, she must follow the FMLA Policy requirements.

Maternity or parental leave must be requested in accordance with the procedures established by the employee's department. Employees should give at least 30 days' advance oral or written notice of the need for leave, or as soon as practical when advance notice is not possible.

Maternity Leave

Maternity leave is an unpaid leave of absence available to female employees for temporary disability because of pregnancy and delivery. Employees must use all available sick, vacation and compensatory time before they may take an unpaid leave of absence. Montana law requires female employees receive a reasonable leave of absence for maternity leave. "Reasonable leave" is determined case-by-case and is based upon the employee's ability to perform her job. The Montana Human Rights Bureau provides guidance regarding what is reasonable leave, stating that an employee is entitled to a reasonable leave of absence for the temporary disabilities associated with childbirth, delivery, and related medical conditions. The employer may not place restrictions on the leave which would not apply to leaves of absence for any other valid medical reason.

In the case of normal pregnancy and delivery, the state assumes a minimum of six calendar weeks after the birth of a child as a reasonable period for recovery. Leave may be longer if the employee is unable to perform her job prior to delivery or if additional leave after delivery related to the pregnancy is needed and reasonable. Employees are not required to obtain medical certification of temporary disability for the initial negotiated leave following the birth of a child. Employees may voluntarily return to work before their agreed-to maternity leave expires, if they desire and inform the County.

Parental Leave

Parental leave applies to both male and female employees. If the employee has FMLA leave available, that leave shall be used instead of parental leave. However, if no FMLA leave is available, parental leave is an unpaid leave of absence for permanent, seasonal, and temporary employees not to exceed 15 working days immediately following the birth or placement of a child (e.g., if the employee is adopting a child or is a birth father). Department heads may approve less than 15 working days if they determine the length of leave requested is unreasonable. The department head must provide a written response explaining why the request is unreasonable, and include the length of leave considered reasonable and approved. Employees may be required to provide documentation for the use of parental leave.

Both maternity and parental leaves are unpaid. However, employees may request to use accrued paid leave concurrently with maternity or parental leave, according to County policy applicable to the type of leave requested.

For eligible employees, paid sick leave, vacation leave, and FMLA shall run concurrent with any maternity or parental leave.

Family and Medical Leave Act/FMLA

Relevant Information: Federal Family Medical Leave act of 1993 (FMLA)

Upon hire, Ravalli County provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act (FMLA). The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns or disputes with this policy, you must contact the Human Resource Department.

General Provisions

Under this policy, Ravalli County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Eligibility

To qualify to take family or medical leave under this policy, the employee must meet the following conditions:

- The employee must have worked for the county for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

Type of Leave Covered

To qualify as FMLA under this policy, the employee must be taking leave for one of the reasons listed below:

- The birth of a child and in order to care for that child.
- The placement of a child for adoption or foster care and to care for a newly placed child.
- To care for a spouse, child or parent with a serious health condition (described below).
- The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the county's sick leave policy are encouraged to consult with the Human Resource Director. If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the company may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, child, or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and activities, c) child care and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities, and h) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

- *Covered active duty* means: In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.
- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Title 10 U.S.C. §101(a)(13)(B).

The leave may commence as soon as the individual receives the call-up notice. (*Son or daughter* for this type of FMLA leave is defined the same as for *child* for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

- Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term *covered service member* means:

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The term *serious injury or illness* means:

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed

- Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.
- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Amount of Leave

An eligible employee may take up to 12 weeks for the first five FMLA circumstances above (under heading "Type of Leave Covered") under this policy during any 12-month period. The company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the county will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave circumstance above during a single 12-month period. For this military caregiver leave, the county will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the county and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the county and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

Employee Status and Benefits During Leave

While an employee is on leave, the county will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. IF applicable the employee is still responsible for the employee's portion of any health insurance premium.

Employee Status After Leave

An employee who takes leave under this policy will be asked to provide a Fitness For Duty (FFD) clearance from the health care provider.

Use of Paid and Unpaid Leave

All paid vacation, personal and sick leave runs concurrently with FMLA leave.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and any sick leave will run concurrently with FMLA.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

Certification for the Employee's Serious Health Condition

The county will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Certification for the Family Member's Serious Health Condition

The county will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Certification of Qualifying Exigency for Military Family Leave

The county will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave

The county will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Recertification

The county may request recertification for the serious health condition of the employee or the employee's family member when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the county may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence.

Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide the HR manager with verbal or written notice of the need for the leave. Within five business days after the employee has provided this notice, the HR Director will provide the employee with the DOL Notice of Eligibility and Rights. When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the county's usual and customary notice and procedural requirements for requesting leave.

Workers Compensation

Medical leave because of a work related accident will be considered FMLA leave and will run concurrent with an employee's lost time benefits

Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the HR Director will provide the employee with a written response to the employee's request for FMLA leave.

Intent to Return to Work from FMLA Leave

The county may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Military Leave of Absence

Relevant Information: MCA 10-1-1001, et seq., and 10-1-1007; Uniformed Services Employment and Reemployment Rights Act. (USERRA), U. S. Dept. of Labor Compliance Assistance

The Montana Military Service Employment Rights Act (MMSERA) provides paid military leave for eligible County employees. This benefit supports employees in fulfilling military obligations and compensates employees for loss of income due to time spent performing military service.

Employees who are members of the organized militia of this state or the organized or unorganized reserve corps or military forces of the United States, and are permanent, temporary, or seasonal employees or student interns become eligible for paid military leave after *six continuous months* of employment. Time spent in a leave of absence without pay status does not count toward the six-month requirement.

"Militia" means all of the military forces of Montana, whether organized or unorganized. In Montana, the organized militia is the Montana Army and Air National Guard. The unorganized militia includes persons who are either active or inactive duty members of the Armed Forces Reserves.

Eligible full-time employees earn 120 hours of paid military leave each calendar year (prorated for part-time employees). Employees cannot earn more than 120 hours of paid military leave per calendar year, and cannot accrue more than 240 hours (prorated for part-time employees). Once employees reach the maximum, they do not accrue additional paid military leave until their balance drops below 240 hours (or the prorated limit for part-time employees). Employees do not accrue paid military leave during leaves of absence without pay unless the leave is for military duty. The County does not cash out unused military leave when employees terminate employment.

Employees must request military leave and must provide their supervisor and Human Resources with a copy of the orders that direct them to report for duty, and should give as much advance notice as possible (i.e., as soon as they learn of the need to take military leave).

Employees may request and supervisors may grant paid military leave in as few as one-hour increments. Employees may also use paid military leave intermittently with leave without pay

while performing military service. The County may grant paid military leave only for hours the employee normally works, and may deny paid military leave if it results in overtime. When employees are taking authorized paid military leave, they shall receive regular salary and benefits.

If active duty is more than 31 days, employees need to evaluate options regarding benefits and complete an Active Duty Benefits Election Form and an Active Duty Reinstatement Form.

Uniformed Services Employment and Reemployment Rights Act Procedures

Reemployment guarantees for active duty service will follow the provisions of MCA 10-1-1007 and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Employees have the right to be reemployed in their job if they:

- leave that job to perform service in the uniformed service and they provide advance written or verbal notice of the service;
- have five years or less of cumulative service in the uniformed services while with the County;
- return to work or apply for reemployment in a timely manner (within 40 days) after conclusion of service; and
- have not been separated from service with a disqualifying discharge or under other than honorable conditions.

Employees who are eligible to be reemployed must be restored to the job and benefits they would have attained if they had not been absent due to military service or a comparable job. Eligible employees shall be reemployed in the position they left or a similar position in order to perform such training or service unless:

- the member is no longer qualified to perform the duties of the position, subject to the provisions of MCA 49-2-303 prohibiting employment discrimination because of a physical or mental disability;
- the member's position was temporary and the temporary employment period has expired;
- the member's request to return to employment was not done in a timely manner;
- the employer's circumstances have changed so significantly that the member's continued employment with the employer cannot reasonably be expected; or
- the member's return to employment would cause the employer an undue hardship.

Members eligible for reemployment will be restored to their position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

Jury and Witness Duty

Relevant Information: 2-18-619 MCA

Jury and witness duty leave provide paid time off for permanent, seasonal, and temporary County employees who receive a legal summons or subpoena to serve on a jury or as a witness. Upon receipt of notification from the state or federal courts of an obligation to serve on a jury, employees must notify their supervisor and provide him/her with a copy of the jury summons in order that arrangements may be made to cover the position. The county will pay regular full-time and regular part-time employees on authorized jury duty or witness leave his/her normal daily wage for those hours the employee is normally scheduled to work. Hours paid for jury duty/witness leave do not count as hours worked for purposes of calculating overtime.

If an employee is subpoenaed or summoned, they have two choices regarding pay and expenses:

- Use accrued annual leave or compensatory time for the time away from work, and keep the fees and allowances paid for service as a juror or witness; or
- Receive regular pay and benefits while on approved jury duty or witness leave, and remit the fees and allowances received for service as a juror or witness to the Finance Department within three days of receipt.

Employees must notify their supervisor of their choice upon requesting leave. A part-time employee shall receive prorated compensation for those hours the employee is scheduled to work.

The employee shall collect all fees and allowances payable as a result of serving on jury duty or as a witness and forward the fees to the Finance Department. Employees serving on jury duty or as a witness in District or Justice Court should inform the Clerk of Court of their employment status, precluding the payment of fees by the court. Any expense or mileage allowance paid by the court shall be retained by the employee.

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

Employees are to return to work after jury duty, although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror, the employee shall contact the supervisor and report to work as instructed.

Personal Leave of Absence / Leave Without Pay

Relevant Information: MCA 10-1-1006

A leave of absence without pay is a period of unpaid absence from employment provided by the County that does not result in a break in service. Typical requests for leave without pay are in situations where an employee has exhausted all applicable leave balances and needs to be absent from work for personal reasons. Employees must exhaust all available leave; vacation, compensatory and, if appropriate, sick leave before they are eligible to take unpaid leave.

Leaves of absence without pay are contingent on the approval of the employee's department head on a case-by-case basis.

Requests, Qualifications, and Procedures

Requests for leave of absence without pay shall be in writing and specifically state the reasons for the request, the date the employee wishes to begin the leave, and the return-to-work date. The request shall be submitted by the employee to the affected department head/elected official. The department head/elected official shall make a decision based upon the best interest of the County, giving due consideration to the reasons given by the employee and the requirements of any departmental procedures and applicable state and federal laws.

A department head may grant a permanent, temporary, or seasonal full-time or part-time employee a leave of absence without pay not to exceed 90 calendar days. An extension of the approved leave, not to exceed 90 calendar days, may be approved by the department head. No sick leave, holiday, annual vacation benefits, or any other fringe benefits shall accrue while an employee is on leave of absence without pay. An employee may continue to participate in the County insurance plan, but the employee must pay 100% of the premiums in a manner prescribed by the Human Resources. Employees on short leaves of absence without pay will be responsible for the premium portion normally paid by the County. Employees may be required to use all appropriate accrued leave or compensatory time before a leave of absence without pay.

Returning to Work

Upon expiration of the approved leave of absence, the employee is not guaranteed to be placed in the same position but shall be placed in accordance with the needs of the County. If an employee fails to comply with the return-to-work requirement and does not arrange for an approved extension of leave, he/she may lose reinstatement rights, and be subject to termination.

Other Leaves That Take Precedence Over Leave of Absence Without Pay

Employees taking a leave of absence without pay shall have FMLA or military leaves taken concurrently. Those policies take precedence over this policy to the extent there are differences.

Lactation/Breastfeeding

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

For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby.

Ravalli County has designated the room located in the WIC Office for this purpose. A small refrigerator reserved for the specific storage of breast milk is available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to use this room must request/reserve the room by contacting the WIC office. Additional rules for use of the room and refrigerator storage are posted in the room.

Employees who work off-site or in other locations will be accommodated with a private area as necessary.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

Health Insurance

The County negotiates Insurance coverage and policies on an annual basis. The county currently offers regular full-time employees and dependent children enrollment in various medical insurance coverage options. Regular Part-time employees who are scheduled to work 20 or more hours per week are offered the same benefits at a pro-rated cost.

The County is currently contributes to an employees for health Insurance. As the cost of health insurance changes yearly, and the cost of the different coverage options varies some employee contribution may be required depending on the level of coverage desired. The County strives to have basic health insurance coverage for employees, that meets or exceeds the minimal coverage requirements at as small a cost to employees as possible.

Employees have up to 30 days from their date of hire to make medical and dental plan elections. Once made, elections are fixed for the remainder of the plan year. Changes in family status, as defined in the Plan document, allow employees to make midyear changes in coverage consistent with the family status change. Please contact the Human Resource Department to determine if a family status change qualifies under the Plan document and IRS regulations.

At the end of each calendar year during open enrollment, employees may change medical and dental elections for the following calendar year. The Human Resource department is available to answer benefits plan questions and assist in enrollment as needed.

In-lieu

Based on personal circumstances some employees may wish to decline enrollment in the County's Health Insurance plans. Effective upon the adoption of this policy, any employee may receive an in-lieu amount set by the Ravalli County Board of County Commissioners annually. The County's in-lieu of contributions for health insurance is made with the understanding that this money is intended to defray the cost of the employee's alternative health insurance premiums and is not intended as an increase in base salary. However in lieu payments will be added to the employee's bi-monthly earnings and is subject to all taxation and deductions.

Enrollment in the in-lieu program is subject to the same time and conditional restrictions as enrolling in the County's health insurance program i.e. 1) open enrollment in December or 2) a qualifying event as defined by the County's current insurance policy. It is the employee's responsibility to immediately inform Human Resources of any changes in their coverage.

In order to receive "in-lieu" the employee must voluntarily decline participation in the County's Group Health Insurance Plan and must confirm eligibility through the following provisions:

- complete and submit the Statement of Alternative Coverage and Request for Payment In-Lieu of Insurance form.
- provide a Certificate of Creditable Coverage as evidence they have other health care coverage currently in effect.
- by receiving the Payment In- Lieu of Insurance, the employee understands it is his/her responsibility to maintain coverage or enroll in the plan in accordance with Special Enrollment provisions of the County's Group Health Insurance Plan.
- the County may request current proof of alternative coverage at any time during the plan year to verify alternate coverage.

Since Payment in Lieu of Insurance is for an insurance plan other than the County's Group Health Insurance Plan, it will be paid only during months where the employee is eligible to be insured under the County's Group Health Insurance Plan and in-lieu will not be paid retroactively. Employees who qualify for Medicare are eligible for in-lieu to assist with Medicare premiums and Medicare supplements. As in lieu is not an increase in salary, employees who are enrolled in a State/ Federal Medicaid plans are not eligible for in-lieu as Medicaid premiums are already being paid for by the tax payers. Employees enrolled in the Montana Medicaid HELP program are eligible for in-lieu up to the amount on their monthly premium but not greater than the amount given the majority of other employees receiving in-lieu. Employees on the Montana Medicaid Help program must submit their premium notice month in order to receive in-lieu.

Employees hired prior to August 1, 2005 and Receiving Payment In-Lieu of Insurance prior to that date will maintain this benefit as in place under prior policy unless Payment In-lieu of Insurance is determined to be illegal by the Attorney General, a Court of competent jurisdiction or the Affordable Care Act. Employees on Medicaid and Receiving Payment In-Lieu of Insurance prior to the adoption of this policy will maintain this benefit as in place under prior policy unless Payment In-lieu of Insurance is determined to be illegal by the Attorney General, a Court of competent jurisdiction or the Affordable Care Act.

Part-Time employees who qualify for enrollment in the County's Group Health Insurance Plan may receive in-lieu payments under the same conditions as full time employees but pro-rated based on hours worked.

It is the employee's responsibility to enroll for in-lieu annually during open enrollment between December 1st and December 31st or if they have a qualifying event as defined by the County's current insurance policy.

The County's in-lieu policy is subject to change based on Federal Insurance requirements and eligibility.

Domestic Partners

Currently Ravalli County only offers health insurance coverage to the employee and dependent children. Ravalli County does not offer spousal or domestic partner coverage.

- Children of domestic partners are eligible for benefits under the same conditions as are the children of employees' legal spouses.

Questions regarding this policy should be directed to the Human Resource Department.

Flexible Spending Accounts

As part of the county's Flexible Benefits Plan, we currently offer an employee-funded Flexible Spending Account (FSA) to regular full-time employees hired on or before January 1 of a calendar year. Plan participants may elect an annual amount of flexible dollars to pay for eligible health care expenses, including medical or dental insurance deductibles, co-payments, and out-of-pocket costs for vision care and other types of care.

If eligible medical or dental expenses are less than the elected annual amount of flex dollars for that year, the balance will be forfeited. Under current legislation employees have until March 31st of the following year in which to use their Flexible Spending Account.

Group Life Insurance

The county offers regular full-time employees a basic group term life policy along with accidental death and dismemberment policy. Employees who are covered under the County's health insurance and have been employed for 30 days have an employer-paid basic group term life policy. Each policy generally pays a death benefit equal to \$10,000. Employees have the option of purchasing additional life insurance.

Short-Term Disability Benefits

The county does not offer a county paid short-term disability plan. However, several supplemental plans are available to all employees. Short-term disability plans are a benefit that provides partial pay for employees who are unable to work due to illness, injury or disability not related to work. Employees will not be able to return to work without submitting a note from a physician or licensed health care professional authorizing the employee's return. Any time spent on short-term disability counts as part of the employee's FMLA leave.

457 Plan

The county offers a voluntary pre-tax salary reduction plan in which regular full-time and regular part-time employees (scheduled for and working a minimum of 20 hours per week), who are 21 years of age or older, may elect to participate beginning with the first payroll period administratively feasible after employment. The 457 plan is a type of non-qualified tax advantaged deferred-compensation retirement plan that is available for governmental and certain non-governmental employers in the United States. The employer provides the plan and the employee defers compensation into it on a pre-tax basis. For the most part the plan operates similarly to a 401(k) or 403(b) plans that most people are familiar with in the US.

Further details about the Plan may be obtained from the Human Resource Department and the Plan document.

Workers' Compensation Benefits

Relevant Information: MCA 39-71-101, et. seq.

As required by law, the County pays to cover employees with workers' compensation insurance, which provides payment for medical expenses resulting from a work-related injury or disease. Employees who are injured or become ill from an occupational hazard may be entitled to reasonable doctor, hospital, prescription and medical care costs. After they file a claim, the County's workers' compensation provider shall evaluate the claim, use appropriate fee schedules, and apply certain laws and rules to establish wage loss payments and medical care cost benefits. The provider may investigate the validity of the claim. Workers' comp benefits apply only toward medical conditions directly related to the industrial injury or occupational *disease claim*.

Reporting Provisions

Every work-related injury should be reported immediately to the injured employee's supervisor.

Benefits

Benefits for compensable injuries are governed by state law and include wages, medical, hospital and related services, and other compensation. Wage loss benefits begin after a 4-day waiting period. Employees may use accrued annual or sick leave benefits to cover wage loss during the 4-day waiting period.

Fraud

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

Employee Assistance Program (EAP)

Through the employee assistance program (EAP), Ravalli County provides confidential access to professional counseling services. The EAP, available to all employees and their immediate family members, offers problem assessment, short-term counseling and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard an employee's privacy and rights. Contacts to and information given to the EAP counselor may be released to Ravalli County only if requested by the employee in writing. There is no cost for an employee to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

APPENDICES

IMPORTANT NOTE

In addition to the Acknowledgement and Receipt of Handbook on page 1, which holds all employees responsible for complying with the terms and conditions of every policy contained in this Handbook, employee signatures are required on the forms provided in Appendices A through D.

Employees who are engaged in safety-sensitive positions are also required to sign the form in Appendix E.

APPENDIX A: Equipment Acknowledgement Form

Ravalli County

I acknowledge that while I am working for the County, I will take proper care of all County equipment with which I am entrusted. I shall abide by all the guidelines set forth in **Use of Vehicles and Equipment** in this Handbook including, but not limited to; using equipment lawfully, safely, and cost-effectively; for its designed purpose; for County business only; and according to the manufacturer's specifications.

I understand that, while County equipment is in my possession, any abuse, violations of safety practices, or disregard for the proper care and maintenance of such equipment may result in disciplinary action, up to and including termination.

I further understand that, upon separation of employment, I shall return all property of the County and that the property will be returned in proper working order. This agreement includes, but is not limited to, the following: laptops, cell phones, pagers, IT equipment, tools, personal protective gear, and any other equipment the County has provided for use with my job.

I understand that failure to return equipment shall be considered theft and will lead to criminal prosecution by the County.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

Employee Name (please print)

Employee Signature

Date

APPENDIX B: Ethics and Conflict of Interest Acknowledgement Form

Ravalli County

By my signature below, I acknowledge that I have received a copy of the **Ethics and Conflict of Interest Policy** in this handbook. I understand it is my obligation to read, understand, and comply with the stipulations, procedures, and provisions contained within this Policy. I understand that I am responsible for abiding by the County Code of Ethics contained in this Policy as I conduct my assigned duties during my term of employment.

I understand that if I am found to be in violation of the provisions set forth in the **Ethics and Conflict of Interest Policy** in this handbook that I am subject to discipline, suspension, termination, and/or such other action as the County deems appropriate.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

Employee Name (please print)

Employee Signature

Date

APPENDIX C: Drug and Alcohol Free Workplace Acknowledgement Form

Ravalli County

As an employee of the County, I certify that I shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while on County property or while conducting any activity involving the County.

By my signature below, I acknowledge that I have received a copy of the Drug and Alcohol Free Policy of the County. I understand that it is my obligation to read, understand, and comply with the procedures and provisions contained within this Policy.

I understand that if I am found to be in violation of the provisions set forth in the **Drug and Alcohol Free Workplace Policy** in this Handbook, I am subject to suspension, termination, participation in a drug rehabilitation program, and/or such other action as the County deems appropriate.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

Employee Name (please print)

Employee Signature

Date

APPENDIX D: Computers, Internet, and Email Policy Acknowledgement Form

Ravalli County

By my signature below, I acknowledge that I have received a copy of the **Computers, Internet, and Email Policy** in this handbook. I understand that it is my obligation to read, understand, and comply with the stipulations, procedures, and provisions contained within this policy.

Further, I understand that this policy governs my use of all County technology and, under certain circumstances, my own technology that I might bring into the County (See **Personal Telephone Calls and Personal Communication Devices**).

Additionally, I understand that if I violate the policy, I am subject to discipline from the County, including suspension, termination, and/or such other action as the County deems appropriate. I also understand that some violations of this policy could result in actions against me both civilly and criminally and in both federal and state courts. I also understand that I have no expectation of privacy in any of the technology referenced in the policy, due to the access and interception rights reserved by and granted to the County.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

Employee Name (please print)

Employee Signature

Date

APPENDIX E: Drug Testing Acknowledgement Form

Ravalli County

The County's drug testing program typically applies to individuals engaged in the performance, supervision, or management of work in a hazardous work environment, security positions, positions affecting public safety or public health, positions in which driving is part of the job, or a fiduciary position for the County. **The County must specifically identify all positions covered by its Drug and Alcohol Testing Policy and ensure that these employees are notified of this designation in accordance with Montana law. New employees shall be informed in the offer letter if their position is subject to drug testing.**

As an employee and/or applicant of the County designated to submit to the drug testing procedures outlined in the Drug Testing Policy, I hereby acknowledge that the County's Drug Testing policy requires me to submit to drug testing and/or breath alcohol testing to rule out the presence of unprescribed or prohibited dangerous controlled substances in my system. I hereby freely and voluntarily consent to this request for a drug test and/or alcohol test, and agree to participate in the testing program.

I hereby release the County, its employees, agents, and contractors from any and all liability whatsoever arising from this request for testing, from the actual testing procedures, and from decisions made concerning my application for or continuation of employment based on the results of the analysis. I hereby agree to cooperate in all aspects of the testing program.

I understand that, if I am found to be in violation of the provisions set forth in the **Drug Testing** and/or **Drug and Alcohol Free Workplace Policy** in this handbook, I am subject to suspension, termination, participation in a drug rehabilitation program, and/or such other action as the County deems appropriate.

I certify that I have read and understand the above statement and acknowledge that this form will be placed in my personnel file.

Employee Name (please print)

Employee Signature

Date

APPENDIX F: Decedents Warrant or Paycheck Designation Form

LEGAL DESIGNATION OF PERSON AUTHORIZED TO RECEIVE DECEDENT'S CHECK(S)

1. Complete the Primary & Contingent Beneficiary Designation portion of this form. This form must be typed or printed legibly in ink.
2. Provide designee's full legal name (example "Mary Lynn Smith"). The designee name cannot be "Mrs. John E. Smith" or "To the Estate of Jane Smith".
3. No erasures or corrections in the designee's name can be accepted. If an error is made, complete a new form.
4. Inform the Human resource Department when designee's address changes.
5. Sign this form in ink and submit to the Human Resource Department.
6. Designee may be changed at any time by completing another form and submitting to the Human Resources Department. You are requested to update your designee every calendar year.
- 7.

BENEFICIARY DESIGNATION FOR DECEDENT'S FINAL CHECK(S)

Pursuant to §2-18-412, MCA, I hereby designate the following person who, notwithstanding any other provision of law, shall be entitled upon my death to receive all county checks excluding payment of death benefits and refund of employee retirement contributions, payable to me as a result of my employment with Ravalli County had I survived.

Primary Beneficiary Information – All information is required

Name of Designee _____

First Middle Last

Mailing Address _____

Street or PO Box City State Zip Code

Social Security Number _____ Date of Birth _____

Phone# _____

Contingent Beneficiary Information – All information is required

*In the event that your primary beneficiary does not survive you, your check(s) will be issued to your contingent beneficiary.

Name of Designee _____

First Middle Last

Mailing Address _____

Street or PO Box City State Zip Code

Social Security Number _____ Date of Birth _____

Phone# _____

My signature on this document indicates:

1. I understand this is a legally binding document.

2. I hereby revoke any previous designation filed by me
3. If the above named designees cannot be contacted within sixty days after the date of my death, this designation shall be void and the check will be reissued to my estate.
4. This designation will remain in full force and effect until revoked by me in writing.

Employee Name _____

First

Middle

Last

Social Security Number _____ Date _____

Signature _____

APPENDIX F: RAVALLI COUNTY INCIDENT INVESTIGATION REPORT

INSTRUCTIONS: This Incident Investigation Report is a tool for department supervisors and Incident Investigation Teams to find main causes of illnesses, injuries, and "near misses," and to take corrective actions.

Departments are strongly encouraged to use this form as a method of reducing hazards in their areas.

Employee Statement Concerning Incident:

Employee Signature: _____

Department: _____ **Date:** _____

Witness Statement:

Witness Signature: _____

Department: _____ **Date:** _____

Equipment involved (if applicable):

Name of equipment: _____

Manufacturer: _____

Age of equipment: _____

Model and Serial #: _____

Location: _____

Was there equipment failure? Yes No if "yes", please explain

Please attach equipment history, including maintenance schedules and engineering changes.

Other factors involved in the incident (walking surfaces, work practices, work area design, weather, previous incidents, etc.):

Corrective action to be taken: (Use separate paper for additional information)

Item #	Description	Person Accountable	Target Date	Date Completed

Examples of Corrective Actions: Improve lighting, improve inspection procedure, use less hazardous materials, repair or replace equipment or tools, improve housekeeping, improve ventilation, install safety/guard device, correct building hazards, re-design work environment, reduce noise/vibration, etc.

Investigation reported completed by: _____

Title: _____ **Date:** _____

Report reviewed by: _____