



# EMPLOYEE HANDBOOK

City of Belgrade, MT

July 1, 2023



# TABLE OF CONTENTS

<b>WELCOME AND INTRODUCTION</b> .....	7
<i>HISTORY OF THE CITY OF BELGRADE</i> .....	7
<i>VISION, MISSION STATEMENT, CORE VALUES</i> .....	8
<b>SECTION 1: GENERAL PROVISIONS</b> .....	9
<i>PURPOSE</i> .....	9
<i>NON-DISCRIMINATION STATEMENT</i> .....	9
<i>ENSURING EQUAL OPPORTUNITY</i> .....	10
<i>CONFIDENTIAL INFORMATION/PERSONAL GAIN</i> .....	12
<b>SECTION 2: EMPLOYMENT ADMINISTRATION</b> .....	13
<i>AUTHORITY FOR PERSONNEL ACTION</i> .....	13
<i>EMPLOYMENT POLICY AMENDMENT</i> .....	13
<i>EMPLOYEE PERSONNEL RECORDS</i> .....	13
<i>PERSONNEL AND PAYROLL RECORDS</i> .....	13
<i>OTHER EMPLOYMENT RECORDS</i> .....	14
<b>SECTION 3: RECRUITMENT AND HIRING</b> .....	15
<i>RECRUITMENT AND SELECTION</i> .....	15
<i>HIRING PREFERENCES</i> .....	15
<i>NEPOTISM</i> .....	15
<i>RE-EMPLOYMENT</i> .....	15
<i>PRE-EMPLOYMENT CRIMINAL BACKGROUND CHECK</i> .....	15
<i>ELIGIBILITY TO WORK</i> .....	16
<b>SECTION 4: EMPLOYMENT RELATIONSHIP</b> .....	17
<i>EMPLOYMENT CLASSIFICATIONS</i> .....	17
<i>NEW HIRE ORIENTATION</i> .....	18
<i>PROBATIONARY PERIOD</i> .....	19
<i>SEPARATION FROM EMPLOYMENT</i> .....	19
<i>VOLUNTARY RESIGNATION</i> .....	19
<i>INVOLUNTARY DISCHARGE TERMINATION</i> .....	19
<i>RETIREMENT</i> .....	20
<i>LAYOFF/REDUCTION IN FORCE</i> .....	20
<i>JOB ABANDONMENT</i> .....	20

<i>EXIT PROCEDURES</i> .....	20
<b>SECTION 5: EMPLOYEE WORK SCHEDULE AND PAY ADMINISTRATION</b> .....	22
<b>WORK SCHEDULES AND BREAKS</b> .....	<b>22</b>
<i>WORK WEEK/SCHEDULE</i> .....	22
<i>FLEXIBLE WORK SCHEDULES</i> .....	22
<i>MEAL AND REST BREAKS</i> .....	23
<b>PAY ADMINISTRATION</b> .....	<b>23</b>
<i>TIMEKEEPING</i> .....	23
<i>OVERTIME PAY AND ACCRUAL OF COMPENSATORY TIME</i> .....	24
<i>CALL BACK</i> .....	24
<i>POLICE FTO AND SHIFT PAY DIFFERENTIAL</i> .....	25
<i>PAYROLL DEDUCTIONS</i> .....	25
<i>PAYCHECKS AND PAYDAY</i> .....	25
<b>SECTION 6: GENERAL POLICIES AND GUIDELINES</b> .....	27
<i>CODE OF CONDUCT AND PERFORMANCE EXPECTATIONS</i> .....	27
<i>EMPLOYEE MISCONDUCT</i> .....	27
<i>PERFORMANCE MANAGEMENT AND EVALUATIONS</i> .....	27
<i>OUTSIDE EMPLOYMENT</i> .....	27
<i>REMOTE EMPLOYMENT</i> .....	28
<i>ATTENDANCE/PUNCTUALITY</i> .....	28
<i>DRESS CODE/PERSONAL APPEARANCE</i> .....	29
<i>CONSENSUAL RELATIONSHIPS/DATING</i> .....	29
<i>NEPOTISM</i> .....	30
<i>PET/ANIMAL POLICY</i> .....	30
<i>SERVICE ANIMALS</i> .....	30
<i>VISITORS IN THE WORKPLACE</i> .....	30
<i>BREASTFEEDING IN THE WORKPLACE</i> .....	31
<i>HARASSMENT</i> .....	31
<i>SEXUAL HARASSMENT</i> .....	31
<i>HARASSMENT REPORTING AND INVESTIGATION PROCEDURES</i> .....	32
<i>ELECTRONIC AND INFORMATION TECHNOLOGY USE</i> .....	33
<i>WORK-RELATED TRAVEL</i> .....	33

<b>USE OF CITY VEHICLES.....</b>	<b>34</b>
<b>LOSS OF DRIVER'S LICENSES .....</b>	34
<b>REPORTING OF OFFENSES .....</b>	35
<b>VEHICLE ACCIDENT PROCEDURES AND REPORTING .....</b>	35
<b>SECTION 7: LEAVE AND HOLIDAYS.....</b>	<b>36</b>
<b>TYPES OF LEAVE .....</b>	<b>36</b>
<b>VACATION LEAVE.....</b>	36
<b>SICK LEAVE .....</b>	37
<b>COMPENSATORY TIME.....</b>	39
<b>MATERNITY AND PARENTAL LEAVE.....</b>	40
<b>LEAVE WITHOUT PAY .....</b>	40
<b>ADMINISTRATIVE LEAVE WITH PAY.....</b>	41
<b>JURY/WITNESS LEAVE .....</b>	42
<b>PUBLIC OFFICE LEAVE .....</b>	42
<b>MILITARY LEAVE .....</b>	43
<b>BEREAVEMENT .....</b>	43
<b>FAMILY AND MEDICAL LEAVE (FMLA) .....</b>	43
<b>HOLIDAYS .....</b>	<b>44</b>
<b>ELIGIBILITY .....</b>	44
<b>USE OF LEAVE .....</b>	45
<b>WORK ON A HOLIDAY .....</b>	45
<b>SECTION 8: EMPLOYEE BENEFITS .....</b>	<b>46</b>
<b>MEDICAL, DENTAL, VISION, AND PRESCRIPTION BENEFITS.....</b>	<b>46</b>
<b>FLEXIBLE BENEFITS PLAN.....</b>	47
<b>HEALTH SAVINGS ACCOUNT.....</b>	47
<b>GROUP LIFE INSURANCE.....</b>	47
<b>EMPLOYEE ASSISTANCE PROGRAM (EAP) .....</b>	47
<b>LONGEVITY PAY .....</b>	47
<b>TUITION REIMBURSEMENT PROGRAM .....</b>	48
<b>RETIREMENT .....</b>	48
<b>SOCIAL SECURITY .....</b>	48
<b>WORKERS COMPENSATION .....</b>	48

UNEMPLOYMENT INSURANCE .....	48
VOLUNTARY DEDUCTIONS .....	48
<b>SECTION 9: EMPLOYEE TRAINING AND PROFESSIONAL DEVELOPMENT .....</b>	<b>49</b>
EDUCATION AND TRAINING .....	<b>49</b>
PARTICIPATION IN COMMUNITY ORGANIZATIONS .....	<b>49</b>
PARTICIPATION IN PROFESSIONAL ORGANIZATIONS .....	<b>49</b>
LICENSING FEES .....	<b>50</b>
<b>SECTION 10: SAFETY AND HEALTH .....</b>	<b>51</b>
WORKPLACE VIOLENCE .....	<b>51</b>
INTIMATE PARTNER/FAMILY VIOLENCE .....	<b>52</b>
FIREARMS AND WEAPONS .....	<b>52</b>
SMOKING AND TOBACCO .....	<b>52</b>
ALCOHOL AND DRUG-FREE WORKPLACE .....	<b>53</b>
COMMERCIAL DRIVER’S LICENSE .....	53
WORKERS’ COMPENSATION: ON THE JOB INJURIES OR EXPOSURES .....	<b>53</b>
<b>SECTION 11: DISCIPLINE AND DUE PROCESS .....</b>	<b>55</b>
PROGRESSIVE DISCIPLINE .....	<b>56</b>
INFORMAL DISCIPLINE .....	56
FORMAL DISCIPLINE .....	56
<b>SECTION 12: GRIEVANCE AND COMPLAINT PROCEDURE .....</b>	<b>58</b>
GRIEVANCE .....	<b>58</b>
INFORMAL RESOLUTION .....	58
FORMAL GRIEVANCE PROCEDURES .....	59
<b>SECTION 13: RULES OF CONDUCT/PUBLIC TRUST .....</b>	<b>61</b>
PUBLIC TRUST/PUBLIC DUTY .....	<b>61</b>
RULES OF CONDUCT FOR CITY EMPLOYEES .....	<b>61</b>
<b>EMPLOYEE HANDBOOK RECEIPT AND ACCEPTANCE .....</b>	<b>65</b>

# ***WELCOME AND INTRODUCTION***

Welcome to the City of Belgrade! We are delighted that you have chosen to join our team and hope that you will enjoy a long and successful career with us. As you become familiar with our culture, mission, and values, we hope you will take advantage of opportunities to enhance your career and further the City of Belgrade's goals.

Please take time to review the policies contained in this handbook. If you have questions, feel free to ask your supervisor or contact Human Resources.

*Neil Cardwell*

Neil Cardwell, City Manager

July 1, 2023

## ***HISTORY OF THE CITY OF BELGRADE***

The original town-site of Belgrade was established in July of 1881 by Thomas B. Quaw, a businessman from the Midwest United States. Quaw named this town site "Belgrade", after the capital of Serbia, and as an expression of appreciation to the Serbian investors who helped Finance a portion of the Northern Pacific Railroad in the 1880's. About the same time, Quaw and a partner chose Belgrade as the location to build a grain terminal to provide a market for area farmers. Today, area ranchers and farmers still take advantage of Belgrade's central location to store and ship their products and to replenish their supplies.

From a foundation based on agriculture and the railroad, Belgrade's economy has diversified, and Belgrade has now earned itself a niche as Gallatin Valley's light manufacturing and industrial center. Numerous small companies located in and around Belgrade manufacture a variety of products. Even though these companies are generally small, as a group they provide hundreds of jobs for Belgrade and Gallatin County residents.

The City of Belgrade was incorporated in 1906 and is governed by a Council-Manager form of government. The City Council consists of six members who are elected from one of three wards. Each ward elects two members. The mayor is elected in a City-wide vote. The Council establishes policy direction and hires a City Manager to implement this policy.

In 1987, the citizens of Belgrade chose to adopt a Charter form of government. A Charter is the local government equivalent of a state or national constitution. When a local government adopts a charter, it automatically acquires self-government powers which generally expand the scope of local governing authority. This means that Belgrade may exercise any powers and provide any services not otherwise prohibited by state law. This allows the City of Belgrade to be more adaptable, flexible, and responsive in meeting the needs of its residents.

As an employee of the City of Belgrade, you are joining a team which celebrates Belgrade's rich history while, at the same time, looks forward to a future where Belgrade residents enjoy an outstanding quality of life and businesses provide good jobs for Belgrade residents.

If you have suggestions for improving Belgrade’s services, please share them with your supervisor or the City Manager.

## *VISION, MISSION STATEMENT, CORE VALUES*

### *VISION*

Belgrade is your community of choice to live, work, and thrive.

### *MISSION*

Belgrade – the intersection of all great things in Montana.

### *CORE VALUES*

**Genuine** – authentic, honest, and transparent

**Resilient** – thriving in the face of challenges

**Evolving** – adapting and embracing change

**Accountable** – to ourselves and our community

**Together** – unified in building our future



# ***SECTION 1: GENERAL PROVISIONS***

## ***PURPOSE***

The purpose of this Handbook is to establish policies and provide guidance regarding employment with the City of Belgrade. The information in this Handbook represents the framework for the administration of the City workforce by the City Manager, as approved by the City Council. The City Manager may issue interpretations and clarifications of policy by management memorandum. The City Manager will notify the City Council of any deviation from these policies.

Nothing in this employee handbook creates or is intended to create an employment agreement, express or implied. Nothing contained in this, or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period.

This Employee Handbook applies to all City employees and supersedes any prior Handbooks or administrative orders relating to each policy. It is the responsibility of each employee to read, understand, and comply with this Handbook and subsequent Administrative Policies. Questions may be directed to Human Resources, or the employee's supervisor.

## ***NON-DISCRIMINATION STATEMENT***

It is the policy of the City of Belgrade to ensure an equal employment opportunity (as defined by the Equal Employment Opportunity Commission (EEOC), the Montana Human Rights Act, and the Americans with Disabilities Act, as amended (ADAAA)), for all employees.

The City of Belgrade provides an equal employment opportunity to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state, or local laws and ordinances.

This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training. This policy does not preclude discrimination based upon bona fide occupational qualifications or other recognized exceptions under the law. The City of Belgrade will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon the City's operations and/or a direct threat to the health and/or safety of the individual or others.

The City of Belgrade promotes and affords equal treatment and services to all citizens, employees, and representatives. Every individual has a right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment.

Any employee who feels that he or she is subject to harassment or discrimination or has witnessed or become aware of any events or conversations perceived as harassment or discrimination in violation of this policy, should immediately report it to their supervisor or Human Resources.

It is the policy of the City of Belgrade to investigate such reports promptly and thoroughly with due regard to confidentiality. The results of the investigation will be communicated to the complainant and the offender. Discipline will follow guidance found in the Discipline Policy. A follow up review will be completed if harassment allegations have been made to ensure the harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.

No hardship, no loss of benefit, and no penalty may be imposed on an employee as punishment for filing or responding to a good faith complaint of discrimination or harassment, appearing as a witness in the investigation of a complaint, or serving as an investigator. Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to disciplinary actions, up to and including termination of employment.

### *ENSURING EQUAL OPPORTUNITY*

To promote a work and customer service environment free from discrimination and harassment, the City of Belgrade will:

- Base hiring decisions on job requirements, individual competencies, and qualifications;
- Promote an inclusive and diverse work environment;
- Recognize differences are a key element of organizational and team success; and
- Treat individuals with dignity and respect.

supervisors who observe actions or behaviors that may be viewed as discriminatory, or harassing must stop the behavior immediately and notify Human Resources, their department head or the City Manager or designee.

This policy does not preclude discrimination based on bona fide occupational qualifications or other recognized exceptions under the law.

### *DISABILITY DISCRIMINATION POLICY*

The City of Belgrade is committed to eliminating discrimination against persons with disabilities and to making reasonable accommodations for any known disability that interferes with an applicant's ability to compete in a selection process, an employee's ability to perform the essential functions of a job, or a person's ability to benefit from a City of Belgrade service, activity, or event. The City of Belgrade will not discriminate against qualified applicants and individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

### *EMPLOYMENT RIGHTS*

The Montana Human Rights Act and the Americans with Disabilities Act, as amended (ADAAA), prohibit discrimination in employment to an applicant or employee because of a physical or mental disability.

### *PROTECTION*

To be protected under the Montana Human Rights Act and the ADA, an applicant or employee with a disability must:

- Have a physical or mental impairment that substantially limits one or more major life activities; or
- Have a record of such an impairment; or
- Be regarded or perceived as having such an impairment; and
- Be able to perform the essential functions of the position with or without reasonable accommodation.

Qualified persons with physical or mental disabilities:

- May not be refused an application, interview, or employment because of their disability; and
- May not be terminated or discharged because of their disability; and
- Have the right to reasonable accommodation which would allow them to perform the essential functions of the position.

### *REASONABLE ACCOMMODATIONS*

Consistent with this policy of nondiscrimination, the City of Belgrade will provide reasonable accommodations to a qualified individual with a disability, provided that such accommodation does not pose an undue hardship on the City and/or a direct threat to the health and/or safety of the individual or others.

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

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

## *CONFIDENTIAL INFORMATION/PERSONAL GAIN*

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

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

## ***SECTION 2: EMPLOYMENT ADMINISTRATION***

### ***AUTHORITY FOR PERSONNEL ACTION***

Under the direction of the City Council, the City Manager has the authority to hire, discipline, manage and terminate employees of the City of Belgrade. The City Manager may delegate the authority to hire, discipline and manage City of Belgrade employees to department heads or supervisors, with the requirement that these supervisors must exercise this authority in accordance with City of Belgrade policy and must not further delegate the authority. This delegation of authority does not subrogate the City Manager's authority to hire, discipline, manage and terminate employment. The City Manager reserves the right to withhold any or all this authority from any subordinates. The termination of an employee will not be initiated without the review and approval of both Human Resources and the City Manager.

The City of Belgrade reserves the right to direct, hire, promote, transfer, assign, retain or dismiss employees. The City of Belgrade also reserves the right to supervise, discipline, and relieve employees from their duties for any reason determined sufficient by the City of Belgrade, as well as determine and change hours of work, shifts, and operational methods. The policies, practices, rules, and regulations may be established or changed/abolished at the sole discretion of the City of Belgrade. The City Manager or designee will execute personnel actions at their discretion, when necessary, consistent with all applicable laws, regulations, and this policy.

### ***EMPLOYMENT POLICY AMENDMENT***

The City reserves the right to review its policies and procedures and make revisions, alter, remove, or add policies with or without notice to employees. The City Manager may find it necessary or appropriate to waive a policy. The waiver of policy does not establish a new policy.

### ***EMPLOYEE PERSONNEL RECORDS***

Employee personnel records are maintained by the Human Resources department for each employee and are retained according to the records retention schedule.

#### ***PERSONNEL AND PAYROLL RECORDS***

Access to an employee's personnel record is limited to those who have a right to know, including the employee, his or her immediate supervisor(s), the appropriate department head, the City Manager, the City Attorney, the City's auditors, Human Resources, and any others who have a legal right of access. All employee personnel records are confidential, and access is restricted to protect individual employee privacy, except the following employee information which is considered public and must be released upon request:

- a. An employee's name;
- b. Position title;
- c. Dates and duration of employment;

- d. Salary; and
- e. Claims for vacation, holiday, or sick leave pay, except that the reason for taking leave is confidential and may not be disclosed.

Employees will be advised of adverse information to be placed in the employee's official personnel file. Supervisors are responsible for forwarding all documents to be included in an employee's official personnel file to Human Resources.

Upon request, employees may review their personnel files in the Human Resources office. Employees may send a written request to visit the Human Resources office to review their file. Employees may copy the contents of their personnel file with Human Resources present at the time of copying. An employee may file a written response to information contained in the employee's personnel file within ten (10) working days of becoming aware of the information in the file. The written response becomes a permanent part of the employee's personnel file.

Requests for reference checks about current or former employees must be directed to Human Resources.

If a current or former employee wishes for anyone outside of the authorized City personnel to review and/or copy their file, a signed authorization for the release of information must be provided.

#### *OTHER EMPLOYMENT RECORDS*

Medical Records - An employee's medical records, also maintained by Human Resources, are kept separate from personnel and payroll records, and may contain records of an employee's workers' compensation injuries, physical examinations, Family Medical Leave Act (FMLA) documents, or other job-related medical information. Access to an employee's medical records is restricted to the following:

- a) The employee;
- b) Direct supervisors who have a need to know for identifying work restrictions or accommodations;
- c) First aid or safety personnel, when appropriate, if emergency treatment is required;
- d) Government officials investigating compliance with the Americans with Disabilities Act (ADA) or FMLA; and
- e) Human Resources.

Drug and Alcohol Testing Records – An employee's drug and alcohol records, also maintained by Human Resources, are kept separate from all other records, and are maintained in compliance with federal and state law.

Employment Eligibility Verification (I-9) Forms – a document completed on the first day of employment that proves an employee's eligibility to work in the United States and is maintained in a file separate from all other employment records in the Human Resources office.

Any personnel records that are stored electronically are stored as outlined above, in electronic format. Records may be requested in the same manner.

## ***SECTION 3: RECRUITMENT AND HIRING***

### ***RECRUITMENT AND SELECTION***

The City of Belgrade recruits and hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of the position, while ensuring applicants are treated equally and according to the principles of equal opportunity in employment.

When a vacancy becomes available, the department head, or designee, and Human Resources will create a recruitment plan that is consistent with the established job description. Once an applicant is selected for hire, the department head or designee receives approval from Human Resources prior to making an offer. Offer letters for employment are only initiated by Human Resources.

### ***HIRING PREFERENCES***

The City of Belgrade's hiring process incorporates the Montana Veteran's Public Employment Preference, the Montana Disability in Employment Preference Act, and any other applicable public employment preferences.

### ***NEPOTISM***

To prevent conflicts of interest, no employee will be assigned or hired to a position where the employee will directly supervise, or will be supervised by, a relative. No employee of the City of Belgrade will sit on a hiring committee where an applicant is a relative or household member. For the purposes on this section, a "relative" is defined as a spouse or significant other, child, parent, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in law or "step" relative.

A relative or a household member of a City of Belgrade employee may apply for a vacant position with the City of Belgrade. If the vacancy does not involve a supervisory relationship that would violate the nepotism rules above, the current City of Belgrade employee will be notified of their relative's or household member's application and conflict of interest concerns will be addressed. The process used to fill the vacant position will be subject to extra review to ensure that the person selected for the vacancy was selected based on merit and qualifications.

### ***RE-EMPLOYMENT***

Any former employee who resigns from the City of Belgrade in good standing is eligible for re-employment. For purposes of this section, an "employee in good standing" is defined as one whose performance, conduct and attendance were acceptable in the position she or he most recently held within the City of Belgrade and the employee provided adequate (two weeks) notice of resignation.

### ***PRE-EMPLOYMENT CRIMINAL BACKGROUND CHECK***

Upon accepting employment with the City of Belgrade, all successful candidates are required to complete a criminal background check. Some positions may require additional checks such as credit reports, driver's license records checks and verification, educational verifications, psychological and other medical reviews, and shall be included in the comprehensive background check process. Hiring into a position is subject to satisfactory completion of the background process.

### *ELIGIBILITY TO WORK*

The City of Belgrade may only hire and retain employees who are legally authorized to work in the United States. During orientation, newly hired employees are required to show documents evidencing their eligibility for employment, as required by the U.S. Citizenship and Immigration Services, and recorded on the Form I-9.



## ***SECTION 4: EMPLOYMENT RELATIONSHIP***

### ***EMPLOYMENT CLASSIFICATIONS***

The City will maintain standard definitions of employment and will classify employees in accordance with the following definitions.

#### ***EXEMPT EMPLOYEE***

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

#### ***FULL-TIME EMPLOYEE***

Full-time employees are those who are regularly assigned to work at least 40 hours each week.

#### ***INDEPENDENT CONTRACTOR***

Independent Contractors are not considered employees of the City of Belgrade. Rather, Independent Contractors are those who work on a contract for services basis and must complete work assignments or responsibilities and receive payment (compensation) as identified in the contract, providing their own tools/equipment/materials to complete the work. No employee benefits or supervision are provided to an Independent Contractor.

#### ***NON-EXEMPT EMPLOYEE***

An employee who is entitled to receive overtime pay or compensatory time in lieu of overtime pay after the employee has worked 40 (forty) hours in a work week (or 80 hours in a pay period for law enforcement.)

#### ***PART-TIME EMPLOYEE***

Part-time employees are those who are regularly assigned to work less than 40 hours each week. *For the purposes of determining eligibility for the group life insurance and medical plan, including dental and vision, an employee must average 25 or more hours per week over a 12-month period.*

#### ***PROBATIONARY EMPLOYEE***

Probationary employees are those who are in their probationary period, including any extension. A probationary employee may be terminated at the will of either the City of Belgrade or the employee on notice to the other for any reason or no reason at all.

#### ***REGULAR EMPLOYEE***

An employee hired into a position designated as one that provides continuous employment.

#### ***REMOTE EMPLOYEE***

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

### *SEASONAL EMPLOYEE*

An employee designated as seasonal at time of hire, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. Seasonal employees shall immediately report back for work when operations resume to avoid a break in service.

### *SHORT-TERM WORKER*

An employee designated as short term at the time of hire and may not work for more than 90 days in a continuous 12-month period. A short-term worker is not eligible to earn leave and holiday benefits, is not eligible for permanent status, may not be hired into another position without a competitive selection process and may be discharged at any time with or without cause.

### *TEMPORARY EMPLOYEE*

An employee who is hired on a temporary basis for a definite period not to exceed 12 (twelve) months and who will be terminated at the end of the employment period. This employee may perform temporary duties or regular duties on a temporary basis; however, the employee is not eligible to become a regular employee without completing a competitive selection process.

## *NEW HIRE ORIENTATION*

To welcome and orient new employees to the City of Belgrade, an orientation session will be provided for the new employee on the first day of employment or as soon as practical after the first day of employment. The orientation provided by Human Resources will cover areas that may vary according to job assignment, employment status and benefit eligibility including, but not limited to, information on employee benefits, City policies and operations.

Supervisors, department heads, or their designee will give specific orientation about the department and what is required in the position, which may include, but is not limited to:

- Work standards, regulations, and procedures;
- Safety rules and procedures, location of safety or protective equipment, and accident reporting procedures;
- Tour of the work area, including location of equipment, supplies, etc.;
- Introduction to co-workers;
- Scheduled workdays/hours and lunch and break times;
- Education and training specific to the equipment and tasks required of the position;
- Establishing performance expectations and completing performance evaluations;
- When and to whom to report an absence from work.

Police Officers will complete additional orientation topics which comply with state, federal and local requirements.

## ***PROBATIONARY PERIOD***

All newly hired or rehired employees must successfully complete a probationary period, including any extensions. Unless otherwise specified in the employment offer letter, each City of Belgrade employee is subject to a 12-month probationary period. With approval from Human Resources, the probationary period may be extended for up to an additional six (6) months for a total of 18 months. A leave of absence of 15 working days or more will result in an extension of the Probationary Period. The probationary period for Police Officers ends twelve (12) months after the employee's start date, at which time the Mayor may revoke the appointment, or the Council may confirm the appointment within 30 days after the end of the probationary period.

During the probationary period, the employment may be terminated at the will of either the City or the employee on notice to the other for any reason or for no reason. This type of termination comes without the right to appeal.

If a temporary or short-term employee is hired into a regular position as the result of a competitive selection process, the employee will serve the new employee probationary period associated with the new position.

If a probationary employee qualifies for a promotional opportunity, or transfers into a different employment classification, the employee's probationary period will continue from the date of the original hire, including any extensions.

### ***TRIAL PERIOD***

When an employee who has completed the initial probationary period is internally promoted, reassigned, or reclassified, they may be subject to a six (6) month trial period beginning on the date of promotion/transfer. The trial period may be used to determine if the employee will be retained in the new position. If an employee is not successful during this period, they will be provided notice of possible consequences including, but not limited to, performance improvement plans, return to previous or equivalent position if available, transfer, demotion, or other progressive discipline up to and including termination.

## ***SEPARATION FROM EMPLOYMENT***

Below are examples of the most common circumstances under which employment is terminated.

### ***VOLUNTARY RESIGNATION***

An employee voluntarily leaving the City of Belgrade is expected to give the City reasonable notice of at least two weeks unless extenuating circumstances do not allow for this notice. This notice should be provided in writing to the employee's supervisor with a copy provided to Human Resources. Employee resignations may not be rescinded without the approval of the City Manager.

### ***INVOLUNTARY DISCHARGE TERMINATION***

Regular, Non-Probationary employees terminated by the City of Belgrade will be provided with a letter summarizing the reasons for their termination and the effective date of the termination. The terminated employee will be provided with a copy of the City of Belgrade's Grievance Procedure within 14 calendar

days of departure (see Section 12 of this Handbook.) The Grievance Procedure may be delivered to the terminated employee via mail or e-mail according to the most recent information on file, as provided by the terminated employee.

### ***RETIREMENT***

Employees who intend to retire from their service with the City of Belgrade are required to give a written notice of their intent to retire with a minimum of two weeks' notice; a thirty (30) day written notice is highly preferred. Employees who are planning to retire from the City should also contact their retirement system in a timely manner to confirm they have adequate service credits, to allow proper paperwork to be completed, and benefits to begin without unnecessary delay.

### ***LAYOFF/REDUCTION IN FORCE***

The City Manager or designee has the authority to determine if the City of Belgrade's workload, funding or other business decisions are such that terminations via layoff or reductions-in-force (RIF) are required. Whenever possible, employees will be provided at least two (2) weeks advance written notice before a Layoff/RIF. No regular employee will be terminated if temporary or seasonal workers are employed in the same work classification. Eligible employees who are subject to Layoff/RIF will be offered Continuation of Health Insurance Benefits and other rights as provided in this Handbook and by law (see Section 8 of this Handbook.)

Employees on Layoff/RIF must keep Human Resources at the City of Belgrade informed of the address and telephone number where they can be contacted in the event of a recall. If the City of Belgrade is unable to contact an employee through these means within seven (7) days of the recall, the employee will be eliminated from the recall list and the City of Belgrade will have no further obligation to recall that employee. The City of Belgrade will have no obligation to recall the employee if they have been on a continual layoff for a period of one (1) year.

### ***JOB ABANDONMENT***

An employee who is absent without approved leave for a period of 3 (three) consecutive days will be considered to have voluntarily resigned from employment with the City. Supervisors must notify Human Resources on the first day of an unexcused absence.

### ***EXIT PROCEDURES***

#### ***EXIT INTERVIEW***

Upon notice of separation, Human Resources may schedule an exit interview with the employee, or the employee may request one of Human Resources. This is an opportunity for the exiting employee to discuss their employment experience and for Human Resources to answer any questions the departing employee has regarding final pay and benefits.

#### ***RETURN OF CITY PROPERTY***

The separating employee must return all City property at the time of separation, including, but not limited to uniforms, tools, cellular and other computer devices, keys, and identification badges.

*FINAL PAY AND BENEFITS*

Final pay will be administered according to the pay administration policies in Section 5 of this Handbook. Termination of benefits will be administered according to the benefits policies in Section 8 of this Handbook.

# ***SECTION 5: EMPLOYEE WORK SCHEDULE AND PAY ADMINISTRATION***

## ***WORK SCHEDULES AND BREAKS***

### ***WORK WEEK/SCHEDULE***

The established work week for reporting time worked and for overtime purposes begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m.

Normal business hours for City of Belgrade offices are from 8:00 a.m. to 5:00 p.m. Monday through Friday. Departments, with the approval of Human Resources and the City Manager, may make alternate schedules to adequately cover work requirements. The work week and/or starting times of work may vary from assignment to assignment and may be changed from time to time to meet varying conditions in any department. Notice of a schedule change will be made as far in advance as is reasonably possible.

Employees are expected to adhere to their assigned work schedule. Except in the case of emergency, alternate work schedules must be approved by the supervisor and department head.

Employees are not permitted to commence work before their normal starting time or to stop work later than their normal end time without prior approval of their supervisor or department head, except in case of an emergency, which must be reported to the supervisor immediately.

### ***FLEXIBLE WORK SCHEDULES***

Employees may be allowed to work a flexible work schedule, as approved by their supervisor, outside of the core business hours of 8:00 am to 5:00 pm. Flexible work schedules should be developed departmentally to maintain standard business hours for each unit. All flexible arrangements must be cost neutral and contribute to customer service, productivity, and employee morale. The decision to allow a flexible schedule is at the sole discretion of the City Manager and may not be appealed through the grievance procedure.

Flexible schedules may include variations in daily beginning and ending work time periods, or a compressed work week, providing those schedules comply with state and federal wage and hour laws. Employees desiring flexibility (outside the traditional 8:00 am to 5:00 pm workday), should work directly with their supervisor to establish their adjusted work schedule.

The goal is that the adjusted flexible schedule will still allow for the employee to meet job requirements and the goals of the City of Belgrade. Supervisors will be a part of the development, approval, and enforcement of flexible work arrangements. If the supervisor deems that the flexible work arrangement is not in alignment with the overall organizational goals, they may not approve a flexible schedule, or may revoke the privilege at any time by advising the employee.

While working a flexible work schedule, employees must follow the meals and breaks policy regardless of their set schedule.

Considerations and accommodations may need to be made in flexible schedules for: conferences, meetings, travel, vacations, holidays, information technology maintenance issues, special projects, and other similar situations.

### ***MEAL AND REST BREAKS***

#### ***MEAL BREAKS***

Unpaid lunch/meal breaks are typically one (1) hour or a pre-approved time by the employee's supervisor or department head, City Manager, or designee. Meal breaks for non-exempt employees, if provided, must be at least thirty (30) minutes and must be duty-free. If an employee needs to take a longer lunch hour, it should not interfere with the employee's performance of their duties. Lunch/meal breaks are to be taken at a time approved by the supervisors and may be staggered among the employees to ensure effective department coverage. Non-exempt employees must clock in and out for unpaid meal breaks.

#### ***REST BREAKS***

Depending on work and project responsibilities, an employee may take one paid 15-minute break when they are scheduled to work at least four (4) consecutive hours. Typically rest breaks are to be taken approximately halfway between the start of work and the assigned lunch/meal break and halfway between the lunch break and end of shift at a time and place conducive to the efficiency of the department.

Time spent on paid rest breaks will be included as regular work time for overtime purposes. Employees on paid rest breaks shall not interfere with fellow employees who are continuing to work.

### ***PAY ADMINISTRATION***

The City Manager, in coordination with Human Resources, is responsible for developing and administering the compensation and benefit plan that is adopted as part of the annual budget process. The City Manager sets the pay of those employees who have been hired, promoted, demoted, transferred, or rotated from one position to another. City employees are not guaranteed regular pay increases.

#### ***TIMEKEEPING***

Accurate time records are necessary for the City to properly administer payroll that complies with federal and state law related to the payment of wages and proper withholdings.

Accurate timekeeping is the responsibility of every non-exempt employee and must include the hours worked, holiday hours, and all leave hours, paid or unpaid. Exempt employees must submit record of holiday hours and all leave hours, paid or unpaid. Completion and submittal of a timesheet by the employee indicates that all time worked, and leave used is accurate. Timesheets must be completed and submitted to supervisors for approval on a bi-weekly basis, on or before the last day of the pay period.

The employee's supervisor or department head, and/or designee must review and approve employee time sheets according to the schedule provided by Human Resources and the Payroll Administrator. Additional Policy and Procedure information can be found in the subsequent Administrative Policies.

### *OVERTIME PAY AND ACCRUAL OF COMPENSATORY TIME*

Supervisors are responsible for managing the need for overtime and compensatory time. Non-exempt employees are required to obtain approval prior to working overtime or accruing compensatory time. A non-exempt employee who works more than the scheduled hours without supervisor consent, or a supervisor who permits or requires a non-exempt employee to work more than the established threshold for overtime without providing appropriate compensation, may be subject to disciplinary action.

#### *OVERTIME PAY*

In compliance with the Fair Labor Standards Act (FLSA) and Montana Wage and Hour law, the City of Belgrade may not employ a non-exempt employee for a work week longer than 40 hours unless the employee receives compensation for hours worked more than 40 hours per work week. Except for law enforcement personnel as outlined below, non-exempt employees working over 40 hours in a work week will be paid overtime at the rate of 1 and 1/2 times their hourly regular rate of pay. Exempt employees do not receive overtime.

For non-exempt law enforcement personnel, overtime pay is based on a 14-day work period for the purposes of calculating overtime pay. Overtime is paid for hours worked in excess of 80 hours during the 14-day work period (as allowed by the Fair Labor Standards Act.)

Time off for sick leave, vacation leave or any other paid or unpaid leave of absence will not be considered as time worked for overtime purposes. Holiday hours will be considered as time worked for overtime purposes.

#### *COMPENSATORY TIME*

Non-exempt employees may request compensatory time in lieu of overtime pay. Compensatory time may be accumulated up to a maximum balance of 80 hours. Except for law enforcement personnel as outlined below, compensatory time is earned at 1 and 1/2 times the number of hours worked more than 40 hours per work week.

For non-exempt law enforcement personnel, compensatory time is based on an 80 hour 14-day work period for the purposes of calculating earned compensatory time.

Non-exempt law enforcement personnel may voluntarily complete the Montana Physical Abilities Test (MPAT) and receive five (5) hours of compensatory time if they pass the MPAT. This may be completed up to two times per year, for a maximum of 10 hours of compensatory time earned per year.

Use of compensatory time is not at the discretion of the employee. Policy information for the use of compensatory time is covered in Section 7 of this Handbook.

Unused compensatory time balances for non-exempt employees will be paid out upon termination or if the employee's Fair Labor Standards Act (FLSA) status changes from non-exempt to exempt. Compensatory time cannot be "cashed in" at any time. Exempt employees do not receive compensatory time.

#### *CALL BACK*

All employees are subject to call back in the event of emergencies or as needed by the City of Belgrade to provide necessary services to the public. Non-exempt employees called back to duty will receive a



minimum of two (2) hours of call back pay and will receive the appropriate rate of pay for all hours worked, including any applicable overtime pay.

#### ***POLICE ON CALL/COURT SUBPOENA***

Non-exempt Police personnel receive a minimum of three (3) hours overtime pay if they are called in for court on a day off. Non-exempt Police personnel who are required to be on-call, will receive a minimum of three (3) hours of overtime pay for the week they are on call, regardless of if they are called in or not.

#### ***POLICE FTO AND SHIFT PAY DIFFERENTIAL***

Non-exempt Police personnel assigned to Field Training Officer (FTO) duty receive \$1.00/hour additional pay.

Non-exempt Police personnel assigned to evening/night shift receive an additional \$50/pay period.

#### ***PAYROLL DEDUCTIONS***

It is every employee's responsibility to review their payroll deduction information and to contact Human Resources with questions or a desire to change tax withholdings or other discretionary or optional deductions that may be changed.

#### ***MANDATORY DEDUCTIONS***

The following deductions are required by law from each employee's paycheck:

1. Federal and State Income Tax Withholding
2. Social Security withholding (as applicable)
3. Medicare
4. Retirement Contributions (eligible employees only)
5. Other deductions authorized or required by law, such as garnishments and child support

#### ***GARNISHMENT/WITHHOLDING POLICY***

Garnishments and withholding orders against City employees may be served to the Human Resources department and will be administered according to federal, state, and local requirements.

#### ***OPTIONAL DEDUCTIONS***

Optional deductions may be requested by the employee and include, but are not limited to:

1. Contributions to charitable organizations
2. Payment of insurance premiums (as applicable)
3. Flexible Benefits Plan or Health Savings Account withholding
4. Deferred Compensation
5. Membership dues

#### ***PAYCHECKS AND PAYDAY***

Employee wages are distributed on a bi-weekly basis through direct deposit or paper check. Employees have access to their pay stubs that outline all earnings and deductions. It is the employee's responsibility to review their paystubs for accuracy and report any questions or errors to Human Resources immediately. Any errors detected will be corrected as soon as possible.

*FINAL PAYCHECK*

All unpaid wages and applicable benefits for any terminating employee, for any reason, are due and payable on the next regularly scheduled payday or within 15 calendar days from the separation date, whichever occurs first.

## ***SECTION 6: GENERAL POLICIES AND GUIDELINES***

### ***CODE OF CONDUCT AND PERFORMANCE EXPECTATIONS***

The City of Belgrade considers attitude, ability, productivity, and a sense of responsibility to be critical aspects of every position in the organization. Employees are expected to, at a minimum:

- Treat everyone with respect and dignity;
- Maintain effective communications inside and outside the organization;
- Conduct their job functions in a professional manner;
- Be diligent and pay constant and consistent attention to work responsibilities;
- Work in an efficient and productive manner;
- Work as a team with other City of Belgrade employees, vendors, and the public;
- Keep personal distractions and personal visitors to a minimum in the workplace;
- Be cognizant of work locations where visitors are not permitted either for safety purposes or the operations of the City of Belgrade;
- Be respectful to fellow staff members and allow them to focus on duties and responsibilities;
- Follow all safety procedures and work in a safe manner;
- Respect individual privacy rights and keep all legally protected information confidential.

### ***EMPLOYEE MISCONDUCT***

City of Belgrade employees are expected to perform their jobs satisfactorily and to refrain from engaging in misconduct. Misconduct means, but is not limited to, any conduct on or off the job not in keeping with generally accepted professional and personal standards of behavior associated with employment, as well as other activities that might adversely affect the confidence of the public, and serious violations of federal and/or state law.

### ***PERFORMANCE MANAGEMENT AND EVALUATIONS***

Supervisors are to conduct at least one formal performance evaluation of each supervised staff member per year. Performance evaluations should be completed by January 31 of each year for the prior year.

Performance evaluations should be discussed with each employee. The employee has a right to submit a separate statement to be attached to the evaluation.

Evaluations should be signed by the employee and the department head/supervisor completing the evaluation. The employee's signature indicates receipt of, but not necessarily agreement with, the evaluation. The employee should receive a copy of the final document. Completed evaluations are kept in the employee's official personnel file and are considered permanent records.

### ***OUTSIDE EMPLOYMENT***

While outside employment may be allowed, each of the City of Belgrade's full-time employees is to make employment with the City of Belgrade their primary job. Outside employment should not conflict with an employee's position with the City of Belgrade.

Any employee who wishes to obtain or retain outside employment must have the prior approval of their department head and the City Manager. The circumstances of the outside employment will be reviewed to ensure there is no conflict with the employee's position with the City of Belgrade.

Should an outside position interfere in any way with the employee's ability to satisfactorily complete the employee's City of Belgrade assigned job duties, the employee may be subject to disciplinary action up to, and including, termination of employment.

Employees who are injured while performing their outside employment and are covered under Workers Compensation will not be eligible to use City of Belgrade sick leave benefits.

### ***REMOTE EMPLOYMENT***

In some situations, the City of Belgrade may hire employees who reside in different locations or allow for temporary telecommuting. Remote employment brings unique responsibilities and advantages that should not be abused or misused. If a remote employee requires a unique work environment that is deemed unreasonable by the employer or creates a situation which the City of Belgrade determines is not workable, the City of Belgrade may require that the employee work out of the appropriate City of Belgrade facility. If the employee is unable to transition to the designated worksite, the City of Belgrade reserves the right to take other actions as required in accordance with City of Belgrade policies. Specific conditions of remote employment shall be included in the employee's individual employment letter and/or agreement. Employee requests for remote work assignments will be considered on a case-by-case basis, at the discretion of the department head, City Manager, and Human Resources. Additional Policy and Procedure information can be found in the subsequent Administrative Policies.

### ***ATTENDANCE/PUNCTUALITY***

Being punctual and working assigned shifts is an essential function of every position at the City of Belgrade and is required for efficient operations. Tardiness, unexcused or unauthorized absences are not allowed.

If an employee does not know in advance that they will be absent or unavoidably late, they should contact their supervisor or designee as early as possible, preferably at least two hours prior to the beginning of their shift. The supervisor may grant permission for alternative notifications or have additional requirements regarding notification. Supervisors must inform their employees of the individuals designated to receive employee tardiness or absence related notifications. If the employee fails to give such notification, the absence may be considered as leave without pay upon City Manager approval and may be subject to disciplinary action.

An absence of more than one (1) shift without receipt of proper notification by the City of Belgrade from the employee may result in disciplinary action, up to and including termination, unless the failure to give such notification was due to circumstances beyond the control of the employee. When an employee fails to report to work, the supervisor or their designee may attempt to contact the employee via phone. If the employee fails to answer, the supervisor or their designee may attempt to contact their emergency contact and/or request a welfare check.

Employees with above average absenteeism may be required to document the reasons, including providing a doctor's certificate or other evidence and verification as requested by the City Manager or designee. Unreasonable, unexcused, unauthorized, or excessive absenteeism or tardiness may result in disciplinary action, up to and including termination of employment.

### ***DRESS CODE/PERSONAL APPEARANCE***

Employees are expected to dress appropriately for their position, their daily activities, and their expected public contact. Employees attending business meetings or other related contact should dress professionally in business attire. The City of Belgrade work environment, though a casual atmosphere, may receive visitors, etc., and all personnel are to be dressed appropriately. Hair and clothes should be neat and clean. Any part of an employee's dress, appearance or hygiene that is deemed unprofessional or that may endanger the employee and/or staff may be prohibited by the City Manager or designee. If there is a question as to the appropriateness of an employee's clothing/attire, the department head will consult with Human Resources or the City Manager or designee. Human Resources, the City Manager or designee may require an employee to take unpaid time to go home and change if their attire is not considered appropriate.

Certain employees may be issued clothing bearing the City of Belgrade logo or other items that readily identify the employee as a City of Belgrade employee. These items must be worn only while conducting City of Belgrade business. These employees must remember that they are always representing the City of Belgrade when they are wearing this clothing and must use common sense as to when, where and under what circumstances these items are worn while off duty. Individual departments may require uniforms or other specific clothing appropriate for their position.

### ***POLICE DEPARTMENT***

Please refer to the Belgrade Police Department Uniform Policy.

### ***CONSENSUAL RELATIONSHIPS/DATING***

The City of Belgrade strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business and enhancing productivity.

Individuals in supervisory or managerial roles, and those with authority over other terms and conditions of employment, are subject to more stringent requirements under this policy and should disclose to the City Manager any personal relationship that develops, or that has existed, in which an employee has supervisory or management authority over another employee. The City Manager will determine if a conflict of interest exists and if one does, the City Manager, Human Resources and the parties involved will consider options for resolving the conflict of interest. Options may include the parties no longer working together on matters where one is able to influence the other. Matters such as hiring, firing, promotions, performance management, compensation decisions and financial transactions are examples of some, but not all, situations that may require a conflict-of-interest plan.

## *NEPOTISM*

To prevent conflicts of interest, no employee will be assigned to a position where the employee will directly supervise, or will be supervised by, a relative. For the purposes on this section, a “relative” is defined as a spouse or significant other, child, parent, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in law or “step” relative.

## *PET/ANIMAL POLICY*

The City of Belgrade is committed to ensuring the health and safety of all employees and members of the public on City property or in City vehicles. In keeping with this objective, the City has designed a policy to balance health and safety concerns with the desire to promote a positive work environment by allowing appropriate household pets in the office. A household pet may be allowed in the City offices if its health and behavior are acceptable and it does not adversely affect business/office operations. Employees may be required to, upon request, produce proof of the animal’s vaccination records. Employees are responsible for cleaning up after their animals, properly disposing of animal waste, and using appropriate break times to care for the animal. The employee will be held responsible for any damage to City property caused by the pet, will be required to pay for related expenses, and the pet will no longer be allowed.

An employee who wishes to bring a pet to the office should first request written permission from his or her department head. The department head will consider the health, safety, and comfort of other employees and members of the public in determining the appropriateness of the request. Any decision to allow a pet in the office will be made by the department head and the decision is final, except for cases involving service animals, which are referred to Human Resources and described below.

### *SERVICE ANIMALS*

Under Title I of the Americans with Disabilities Act (ADA,) service animals are considered a reasonable accommodation in employment. An employee must request that the service animal be present as accommodation for their disability. Requests for service animals as an accommodation are referred to Human Resources and will be determined on a case-by-case basis, in compliance with the ADA.

## *VISTORS IN THE WORKPLACE*

Employees are allowed to have visitors in the workplace, including children, provided the visits are infrequent, brief, and planned so that they limit disruption to the workplace. Visitors in the workplace must be directly supervised by the employee at all times. If the frequency, length, or nature of visits becomes problematic, the employee will be advised and will be expected to take corrective action.

Employees are not permitted to bring ill children to work. Employees are provided paid time off benefits which should be used for personal reasons or to care for an ill child.

## ***BREASTFEEDING IN THE WORKPLACE***

The City of Belgrade recognizes the importance and benefits of breastfeeding for mothers and their infants and seeks to promote a family-friendly environment in which to work. The City of Belgrade supports and encourages the practice of breastfeeding, accommodates breastfeeding needs of employees, and provides adequate facilities for breastfeeding or to express milk for the employee's child, as provided below.

- A woman may breastfeed her child in any place open to the public or any place the mother is otherwise authorized to be, and this cannot be considered a nuisance, indecent exposure, sexual conduct, or obscenity;
- The City of Belgrade is responsible for identifying space suitable for such use, including providing privacy, lighting, and electricity needs. Private space does not need to be fully enclosed or permanent but must be readily available during the time the employee needs the space. Toilet stalls and utility closets are not suitable spaces for such purpose. The City of Belgrade will provide a convenient facility for milk storage;
- It is an unlawful discriminatory practice to refuse to hire, employ, or to discharge or discriminate against an employee who expresses milk in the workplace.

Any employee who wishes to breastfeed or express milk in the workplace must make a request to their department head, Human Resources, or the City Manager, or designee.

## ***HARASSMENT***

The City expressly prohibits any form of workplace harassment based on race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state, or local laws and ordinances.

Prohibited conduct includes, but is not limited to:

- Epithets, slurs, and negative stereotyping;
- Threatening, intimidating or hostile conduct including gestures;
- Denigrating jokes and comments; and
- Writings or pictures that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic.

Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including, but not limited to via facsimile, e-mail, text, and/or the Internet.

## ***SEXUAL HARASSMENT***

Sexual harassment is unlawful harassment that is a form of sex discrimination. Sexual harassment is any unwelcome or unsolicited sexual advance or request for sexual favors or any other verbal or physical conduct of a sexual nature towards another individual. For example:

- Occasions when such conduct either explicitly or implicitly, is a term or condition of employment;

- Submission to or rejection of such conduct is used as the basis for employment decisions; and
- The conduct has the purpose or effect of substantially interfering with an individual's work or creates a hostile, intimidating, or offensive work environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors which may include, but is not limited to, the following:

- Discussing sexual activities;
- Telling sexually oriented jokes, stories or innuendo;
- Unwanted sexual advances or requests for sexual behavior;
- Verbal abuse of a sexual nature (i.e. using crude language, using demeaning or inappropriate terms or epithets);
- Commentary about an individual's body, physical attributes, sexual prowess or sexual deficiencies;
- Unnecessary touching, gestures of a sexual or offensive nature, or engaging in hostile or unwanted physical conduct;
- Displaying suggestive objects in pictures or other visual conduct of a sexual nature; and
- Any other physical, verbal, or visual conduct of a sexual nature.

#### ***HARASSMENT REPORTING AND INVESTIGATION PROCEDURES***

The following procedures are to be used for reporting and investigating harassment complaints:

1. Any employee who believes he or she has been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested, and encouraged to report, verbally or in writing, to his or her supervisor immediately. If the employee is not comfortable reporting to that person, the employee may report the complaint to their department head, Human Resources, the City Manager, or any other member of management to whom the employee feels comfortable bringing such a complaint.
2. Any employee that learns of or receives a complaint of harassment/discrimination is required to report it to Human Resources or the City Manager immediately.
3. The investigator (generally Human Resources or their designee) shall conduct the investigation carefully and discreetly to protect all employees questioned and all information gathered. All reports/complaints will be investigated promptly and, to the greatest extent possible, with regard for confidentiality.
4. Upon completion of the investigation and based upon the findings of the investigation and the conclusions of the investigator, Human Resources or the designee will promptly relay the results of the investigation to the accused and the complainant.
5. If the investigation finds that harassment/discrimination has occurred, the City shall take appropriate corrective disciplinary action, which may include, but is not limited to oral reprimand, written reprimand, suspension, demotion and/or termination of employment. The City shall take all steps necessary to effectively remedy the harassment/discrimination that was found during an investigation.



6. No employee shall be subject to any form of retaliation or discipline for pursuing or participating in a harassment/discrimination complaint. The City shall ensure that complainants and witnesses shall suffer no retaliation because of their involvement in the investigation.

Harassment of any nature will not be tolerated and may result in discipline up to and including discharge. Courteous, mutually respectful, pleasant, non-coercive interactions between employees that are appropriate in the workplace, acceptable to, and welcomed by both parties are not considered to be harassment, including sexual harassment.

All City employees are entitled to a workplace free of harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

### ***ELECTRONIC AND INFORMATION TECHNOLOGY USE***

The City provides a wide variety of technology and communication tools and resources to employees for use in running day-to-day city operations. This includes, but is not limited to, desktop computers, laptops, mobile devices, networking equipment, networked devices, servers, software, electronic mail, desk phones, cellular phones, internet, intranet, and all other electronic systems or devices under the control and authority of the City. All City-provided devices and accessories remain the property of the City of Belgrade.

Refer to the Information Technology and Electronic Equipment IT Policy located in the subsequent Administrative Policies for information on the authorized use of the City-provided equipment, privacy, security, and use of personal devices.

Failure to comply with the provisions of the policy and inappropriate or unauthorized use of the equipment and/or technology resources may result in disciplinary action up to and including termination.

### ***WORK-RELATED TRAVEL***

The City of Belgrade recognizes that occasional travel for work purposes may be necessary if it is in the best interest of the City. Employees must have all work-related travel pre-approved by the department head or City Manager or designee. Examples of authorized travel include, but are not limited to:

- Job related training for improvement of knowledge and skills;
- Job related meetings, conferences, and professional organization events;
- Project review and other programs associated with other cities or agencies;
- Any other budgeted travel as authorized by the employee's department head.

Refer to the Travel Policy located in the subsequent Administrative Policies and Procedures for information on the compensable expenses associated with such travel, the process for requesting a travel advance, the process for requesting reimbursement of travel costs, the rates at which reimbursement may be made for use of a personal vehicle and meals, and the responsibilities of the employee while traveling.

Misrepresentation of expenses or receipts is unlawful and may result in disciplinary action up to and including termination.

## *USE OF CITY VEHICLES*

The City of Belgrade may provide City vehicles for an employee's use when traveling or for other business-related purposes.

### *REQUIREMENTS FOR USE OF CITY VEHICLES*

Employees operating a City of Belgrade vehicle must have a valid Drivers' License, must observe, and obey traffic regulations, and must exhibit extreme care in the use of the vehicle. Employees are prohibited from smoking or allowing pets/animals in City of Belgrade vehicles. Employees and other authorized passengers are always required to wear seat belts and follow all other applicable laws. Vehicles shall be parked in an authorized or unrestricted space. When the vehicle is left unattended, the employee must secure the vehicle by rolling up all windows and locking all doors. Upon return from their trips, employees are expected to fully gas the vehicle and remove all garbage and wash the vehicle, as required. Cars rented by the City of Belgrade are considered City vehicles. Employees using a car rented by the City of Belgrade are also prohibited from using smokeless tobacco in the rented vehicle. Non-City employees are prohibited from riding in or operating any City vehicle. This includes family members.

### *CITY ASSIGNED VEHICLES*

The City of Belgrade may designate positions that require the use of City vehicles on a take-home basis. City of Belgrade vehicles are to be used for business-related purposes and, if possible, are to be available and shared among employees when needed for business-related travel. For more information, refer to the City's take home vehicle policy in the subsequent Administrative Policies and Procedures.

### *USE OF ELECTRONIC DEVICES WHILE DRIVING*

The City of Belgrade advocates safe and responsible driving habits. This includes limiting distractions while operating a motor vehicle. The use of cell phones and other hand-held electronic devices for calls, e-mails, text messages, or other activities is forbidden while operating a motor vehicle and should only be utilized as set forth herein. For purposes of this policy, "hand-held electronic devices" includes but is not limited to, wireless phones, computers, using/accessing email, pagers, and any other communication devices.

- **Applicability and Exceptions:** This policy applies to City of Belgrade employees except for the City's Police Officers and other employees who need to call 911 for situations such as a fire, traffic accident, road hazard or medical emergency. In such cases, the communication should be as short as reasonably necessary to communicate the nature of the emergency, location, etc. The use of approved hands-free devices is also acceptable.

### *LOSS OF DRIVER'S LICENSES*

An employee whose duties involve the operation of a City of Belgrade vehicle or any other vehicle for City-related business, and whose driver's license is suspended or revoked must promptly report this suspension or revocation to their supervisor and Human Resources.

No employee will operate a City of Belgrade vehicle or any other vehicle on City of Belgrade business while the employee's driver's license is suspended or revoked.

#### *REPORTING OF OFFENSES*

An employee whose duties include the use of a vehicle (City of Belgrade or personal) for City of Belgrade business, shall promptly report to their supervisor the receipt of any traffic citation for a violation charged under Title 61, Montana Code Annotated or for any similar offense or offenses in any jurisdiction.

An employee who is charged with a criminal offense under Title 45 or for any similar offense or offenses in any jurisdiction shall promptly report the same to their supervisor.

The City Manager and Human Resources will review and may investigate each report of arrest under this section to determine the presence of any job-related impacts.

#### *VEHICLE ACCIDENT PROCEDURES AND REPORTING*

When an employee is involved in a motor vehicle accident with a City of Belgrade vehicle, the employee must notify their supervisor or department head, City Manager, or designee immediately. Law enforcement must be contacted to complete an investigation of the accident. Employees must cooperate with, and are permitted to discuss the incident with, emergency services personnel, the supervisor or department head, City Manager or designee, insurance adjusters and law enforcement.

In addition to completing accident reports required by law, upon returning to the City of Belgrade office, an account of the accident must be provided in writing to the supervisor or department head, City Manager, or designee. The employee should detail, in writing, the accident and situation leading up to the accident. The employee may also be required to assist with completing the necessary forms for insurance claims. The supervisor, department head, City Manager, or designee, in coordination with Human Resources, shall conduct an investigation of the facts of the accident to determine if disciplinary measures are warranted.

If it is determined that the employee was driving or operating machinery under the influence of alcohol or illegal drugs or find that the accident was due to other avoidable circumstances, the employee may be subject to disciplinary action up to and including termination of employment.

# SECTION 7: LEAVE AND HOLIDAYS

## TYPES OF LEAVE

### VACATION LEAVE

Each Regular, Temporary and Seasonal employee shall earn paid vacation leave from the first day of employment and may use it as soon as it is available with supervisor approval. Vacation leave may not be taken in advance of it being earned. The City Manager reserves the right to offer additional vacation leave as a balance at the time of hire.

Regular and Temporary employees accrue vacation leave on a prorated basis, based on the number of hours worked during the pay period. Vacation leave is credited at the end of each pay period. Employees may not accrue vacation leave while in a leave-without-pay status that exceeds fifteen (15) working days in length.

Vacation leave accrues as follows:

Completed Years of Service:	Eligible employees working 40 hours per week earn:		Eligible Employees working less than 40 hours per week earn:
	Days Per Year	Hours Per Year	
0 - 2	15	120	.0625 hours per hour in pay status
3 – 5	18	144	.075 hours per hour in pay status
6 – 7	21	168	.0875 hours per hour in pay status
8+	24	192	.10 hours per hour in pay status

### MAXIMUM VACATION LEAVE ACCRUAL

Employees may carry up to two (2) times the number of vacation hours they accrue each year. Human Resources will review each employee toward the end of each year and will notify employees who have excess leave.

Supervisors must give employees a reasonable opportunity to use excess vacation leave. An employee may make a reasonable written request to the City Manager or designee before January 31 to use excess vacation leave. Employees must use this excess vacation leave by March 31 of the following year, or have a City Manager approved plan, or it will be forfeited.

### REQUESTING VACATION LEAVE

Requests for vacation leave must be submitted in advance and pre-approved by the employee’s supervisor or department head. The vacation leave will be approved after considering the best interest of the City of Belgrade, the employee’s work unit, and the employee’s request. Should two employees request the same period of vacation leave, their supervisor or department head has discretion regarding the approval of the leave requests. Non-exempt employees may utilize vacation leave in ¼ hour increments.

### *VACATION LEAVE PAYOUT AND POSITION TRANSFERS*

Employees who terminate their employment with the City of Belgrade will be paid for 100% of their unused vacation leave. This payout is based on the employee's hourly wage or salary at termination.

Employees who transfer among divisions within the City of Belgrade will have their vacation leave balance transfer with them.

### *PRIOR MONTANA PUBLIC EMPLOYER SERVICE OR MILITARY-RELATED ACCELERATED LEAVE*

Employees who have prior employment with a Montana public employer and those who have military time which interrupt(ed) their Montana government service can earn "accelerated" vacation leave. Time spent as a Student Intern employee does not apply toward accelerated leave.

Employees are responsible for providing documentation of prior government service or military service. Accelerated leave accruals will begin at the beginning of the next pay period after Human Resources receives documentation and confirmation from previous employer(s) of prior eligible service. Employees may contact Human Resources to request the form needed to document and request prior service.

### *SICK LEAVE*

Regular, Temporary, and Seasonal employees accrue sick leave from their start date of employment and may use paid sick leave once it is accrued. Sick leave may not be used in advance of it being earned without prior approval of the City Manager and Human Resources.

Eligible full-time employees accrue sick leave at the rate of 8 (eight) hours per month. No eligible full-time employee will earn more than 12 (twelve) days of sick leave per year.

Eligible part time employees accrue sick leave at a rate of 0.05 hours for each hour in a pay status, excluding overtime.

Sick leave is credited at the end of each pay period. Employees may not accrue sick leave while in a leave-without-pay status.

### *MAXIMUM SICK LEAVE ACCRUAL*

There is no restriction on the number of sick leave hours employees may accrue.

### *REQUEST AND USE OF SICK LEAVE*

Sick leave is provided as a paid leave of absence for the following:

- a. A sickness suffered by an employee or a member of the employee's immediate family; or
- b. The time that an employee is unable to perform job duties because of:
  - a physical or mental illness, injury, or disability;
  - maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee's child;
  - quarantine resulting from exposure to a contagious disease;
  - examination or treatment by a licensed health care provider;
  - short-term attendance to care for a relative or household member not covered by section "a" above until other care can reasonably be obtained;

- necessary care for a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or
- death or funeral attendance of an immediate family member or, at the City's discretion, another person of importance to the employee.

All requests to use sick leave for the purposes of medical appointments for themselves or immediate family members should be made to the supervisor with as much advance notice as possible.

Notification of absence because of illness will be given to the supervisor via a phone call prior to the start of the employee's shift. The supervisor may grant permission for alternative notifications or have additional requirements regarding notification. Supervisors must inform their employees of the individuals designated to receive employee sick leave notifications and the supervisor will notify appropriate staff of the absence. If an employee's supervisor is unavailable for the day, the employee is to notify the supervisor's designee or the City Manager or designee.

If the employee fails to give such notification, the absence may be considered as leave without pay. Absence in excess of one (1) shift without receipt of proper notification to the employer from the employee may constitute disciplinary action, up to and including discharge of employment, unless the failure to give such notification was due to circumstances beyond the control of the employee.

The use of sick leave is subject to the following provisions:

- Abuse of sick leave may result in disciplinary action up to and including termination;
- Sick leave utilized must not exceed the amount accrued by the employee. If the sick leave balance is exhausted, an employee may choose to use their accrued vacation leave or compensatory time or be granted Leave without Pay (with approval from the City Manager). However, the City of Belgrade may not require an employee to use Vacation Leave for purposes of illness unless the employee agrees;
- Employees utilizing sick leave may be asked to furnish a certification of illness from a qualified medical provider upon the request of the supervisor, department head, City Manager or Human Resources;
- At the City of Belgrade's request and expense, an employee may be subject to an examination by a physician following a sick leave or other absence occasioned by illness or injury to ensure the employee can perform the necessary functions of the position.

***SICK LEAVE PAYOUT AND POSITION TRANSFERS***

Employees terminating employment with the City of Belgrade will be entitled to compensation for the unused sick leave equal to one-fourth (1/4) the accumulated sick leave. The payout will be based upon the employee's salary at the time of termination.

Employees who transfer among divisions within the City of Belgrade will have their sick leave balance transfer with them.

***SICK LEAVE DONATIONS***

Employees will be permitted to transfer sick leave to another employee with the approval of Human Resources and the City Manager. The receiving employee must have exhausted all accrued sick leave, vacation leave, compensatory leave, and provide proof of need, such as a medical certification, to Human

Resources. The contributing employee must make the transfer request in writing using the Donation of Sick Leave Form. Police Officers must have a minimum of 500 hours in their sick leave bank following a sick leave donation. All other employees must have a minimum of 300 hours in their bank following a sick leave donation. The transferred sick leave will not change the receiving employee's employment status.

Hours transferred are on an hour-per-hour basis and are not calculated based on the donating employee's wages. The transferred sick leave is considered forfeited by the contributing employee.

When a request for sick leave donation is received and approved by Human Resources and the City Manager, Human Resources will reach out to any eligible employees to seek donations. Employees shall not be coerced, intimidated, or adversely persuaded to transfer their accrued sick leave to the receiving employee. Doing so may result in disciplinary action up to and including termination.

#### *SICK LEAVE SUPPLEMENTAL RETIREMENT (LV1)*

Eligible employees may be permitted to convert excess sick leave hours to a separate sick leave bank or into the employee's supplemental retirement account. Refer to the Supplemental Retirement Program (LV1) Policy in the subsequent Administrative Policies and Procedures for additional information.

#### *COMPENSATORY TIME*

Non-exempt employees may request compensatory time in lieu of overtime pay. Compensatory time is earned at 1 and 1/2 times the number of hours worked over 40 hours per work week, except for non-exempt sworn police personnel that earn compensatory time at 1 and ½ times the number hours worked over 80 in a 14-day pay period.

Each department determines the employee work schedules necessary to conduct its operations. Prior to working additional hours, non-exempt employees must receive authorization from their supervisor to work overtime or earn compensatory time hours, except in emergency situations.

#### *MAXIMUM COMPENSATORY TIME ACCRUAL*

Compensatory time may be accumulated up to a maximum balance of 80 hours.

#### *REQUEST AND USE OF COMPENSATORY TIME*

Use of compensatory time is not at the discretion of the employee. It must be scheduled and approved by the supervisor in the same manner as other requests for leave time.

#### *COMPENSATORY TIME PAYOUT AND POSITION TRANSFERS*

Employees who terminate their employment with the City of Belgrade will be paid 100% of their unused compensatory time. This payout is based on the employee's hourly wage or salary at termination.

If the employee's Fair Labor Standards Act (FLSA) status changes from non-exempt to exempt, unused compensatory time will be paid at 100% at the rate of their non-exempt position. Exempt employees do not receive compensatory time.

## *MATERNITY AND PARENTAL LEAVE*

### *MATERNITY LEAVE*

The City of Belgrade follows the Pregnancy Discrimination Act as well as relevant pregnancy leave provisions in federal, state, and local statutes.

An employee will not be terminated because of pregnancy. Employees who are disabled because of pregnancy will not be denied any compensation they are entitled to; however, the City of Belgrade reserves the right to require medical verification that the employee is not able to perform the duties of their position.

Employees may take a reasonable leave of absence for pregnancy, but the City will not require an employee to take a mandatory maternity leave for an unreasonable length of time. In the case of a normal pregnancy and delivery, medical providers typically consider a reasonable leave to be 6 (six) to 8 (eight) weeks after delivery.

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

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

A combination of paid parental leave, accrued sick leave, vacation, compensatory time, donated sick leave, and leave without pay may be used for an employee on maternity leave. All leave must be exhausted prior to requesting sick leave donations.

### *PARENTAL LEAVE*

Employees may take a reasonable leave of absence and may use leave immediately following the birth or placement of a child for adoption in the employee's home for a period not to exceed six (6) weeks.

Employees eligible for parental leave may use paid parental leave, accrued sick leave, vacation leave, earned compensatory time, or leave without pay. Requests for parental leave must be approved in advance by the department head and the City Manager or designee. Refer to the Paid Parental Leave Policy located in the subsequent Administrative Policies and Procedures for additional information and eligibility requirements.

### *LEAVE WITHOUT PAY*

Leave Without Pay (LWOP) may be granted for good cause as determined by the City Manager or designee if the reason for approval does not violate any laws, regulations or policies set forth in this manual. The City Manager has sole discretion in the approval or denial of requests for LWOP. The only exception to this approval is if the employee is utilizing LWOP to make up a full day for a holiday when they are on a shift that is more than eight hours (see holiday section.) In this case, the department head may approve LWOP.



Employees may be granted LWOP for a specified time generally not to exceed one hundred eighty (180) calendar days during their employment period. Applicable leave balances must be exhausted first.

Whenever possible, the employee should request LWOP in writing at least 30 (thirty) calendar days in advance of the need for leave so workloads/tasks can be covered. To request LWOP, employees must provide the City Manager or designee the beginning and ending dates of the leave and the reason for the requested leave.

In general, LWOP is subject to the following provisions:

- An employee on LWOP time is not allowed to pursue other employment;
- Employees under disciplinary action such as disciplinary probation or suspension are not entitled to LWOP;
- Employees can be subject to disciplinary action, up to and including immediate termination of employment, if they provide a false or misleading reason for requesting LWOP;
- If an employee is on LWOP for an entire pay period, medical, retirement, workers' compensation, and unemployment insurance benefits will not be paid by the City of Belgrade, unless the employee is under Family Medical Leave, in which benefits are administered according to the FMLA policy;
- If an employee on LWOP works within a pay period, benefits will be prorated accordingly;
- Vacation and sick leave credits cease to accrue, and employees do not receive Holiday Pay, during a period of LWOP;
- An employee under the Probationary Period who is on LWOP for a period exceeding 15 (fifteen) working days, will have their Probationary Period extended by the time spent on LWOP;
- An employee who fails to return to work on his or her next regularly scheduled workday after an approved LWOP shall be considered to have voluntarily resigned unless the leave period is extended, in advance, by the City Manager or designee.

#### ***ADMINISTRATIVE LEAVE WITH PAY***

A City of Belgrade employee may be placed on paid administrative leave at any time, with or without notice, at the sole discretion of the City Manager. Circumstances under which such a leave may occur include, but are not limited to, the following:

- To make inquiries into or investigate a work-related matter;
- To remove the employee from the workplace pending a due process hearing or other disciplinary decision;
- To protect the employee;
- To protect the public;
- To protect other City of Belgrade employees or property in the workplace;
- To further any other work-related or business-related purpose.

The City Manager may grant or require Administrative Leave with Pay be for an indefinite period.

An employee placed on paid administrative leave must remain available during normal business hours for call-back work or must have approval from the City Manager to be unavailable to report. In this case, the employee may be required to use accrued leave.

The use of administrative leave during an investigation shall be limited to the amount of time needed to make inquiries or investigate the matter, or to protect the employee, the public, other employees, or property.

Administrative leave with pay is not considered as disciplinary action, nor is it a sign that the employee has been found to be guilty of offenses warranting discipline.

### *JURY/WITNESS LEAVE*

Employees selected for jury duty or who are subpoenaed to serve as a witness, have the option of receiving normal pay, or of charging time off to vacation or compensatory leave. If the employee chooses to receive normal pay, the employee must submit any jury or witness pay to the City to be applied against the amount due the employee from the employer for time spent for jury duty or to serve as a witness. If the employee chooses to use vacation or compensatory time, they are entitled to keep any jury or witness pay. An employee is not required to remit to the employer any expense or mileage allowance paid by the court.

An employee who receives notice of jury duty or witness service must notify their supervisor immediately so that arrangements may be made to cover the workload. The City of Belgrade reserves the right to request that an employee who is called for jury duty be excused if their absence would create a hardship on the operational effectiveness of the department to which the employee is assigned.

An employee who is under their probationary period and who is absent for jury/witness leave for a period exceeding fifteen (15) working days may have their probationary period extended by the same amount of time.

Benefits continue to accrue while an employee is on jury duty leave or witness service. Once released from jury or witness duty, the employee is expected to contact his or her supervisor to receive report to work instructions.

### *PUBLIC OFFICE LEAVE*

Employees elected or appointed to a public office shall be granted an unpaid leave of absence, not to exceed 180 (one hundred eighty) days per year, to perform the public service.

Employees must return to work within 10 (ten) days following the completion of the service unless they are unable to return due to an illness that has been certified by a medical doctor. The City of Belgrade will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

Employees will be restored to their positions, with the same longevity, status, compensation, hours, locality, and benefits as existed prior to their leave of absence for public service.

### ***MILITARY LEAVE***

A full time City of Belgrade employee who is a member of the National Guard or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least 6 (six) months will be given a leave of absence with pay at the rate of 120 (one hundred twenty) hours in a calendar year, for performing military service.

- Part time employees are eligible for paid military leave on a pro-rated basis after they have been an employee for a period of at least 6 (six) months.
- Military service includes both federally funded military duty and state military duty as defined by federal and state law.
- Employees must provide as much advance notice to the employer as possible upon receiving notice of military duty orders (Uniformed Services Employment and Reemployment Rights Act, USERRA.)
- Unused military leave is carried over to the next calendar year, with the maximum military leave available limited to two (2) times the military leave an employee accrues during a calendar year.
- Military leave may not be charged against the employee's vacation time.
- Other military leave will be provided in accordance with state and federal law.

### ***BEREAVEMENT***

In case of a death in the immediate family, an employee will be allowed to use up to forty (40) hours of leave for bereavement. Employees may elect to use any combination of sick, vacation, compensatory, or leave without pay. For purposes of this policy, “immediate family” refers to a spouse or significant other, parent, sibling, child, grandparent, grandchild, corresponding in-law, or those in a “step” relationship of the same nature. The City reserves the right to request proof of an employee’s need for leave for bereavement.

Consideration for a leave longer than forty (40) hours and/or requests to extend bereavement by using additional sick, vacation, compensatory, or leave without pay and/or requests for bereavement for a person not listed above will be evaluated on a case-by-case basis at the sole discretion of the City Manager or designee.

### ***FAMILY AND MEDICAL LEAVE (FMLA)***

The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Eligible employees are entitled Family and Medical Leave (FML) for: twelve (12) work weeks or 480 hours of leave in a 12-month period for birth of a child, placement of child for adoption or foster care, to care for an immediate family member with serious health conditions, one’s own serious health condition, or if one’s immediate family member is a covered military member on active duty; or twenty-six (26) work weeks or 1040 hours of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s immediate family.

Refer to the Family and Medical Leave (FMLA) Policy located in the subsequent Administrative Policies and Procedures for additional information regarding the request for and use of Family and Medical Leave.

Failure to comply with the provisions of the policy and inappropriate or unauthorized use of this leave may result in disciplinary action up to and including termination.

## *HOLIDAYS*

The City of Belgrade has established the following holidays for its employees:

- January 1 – New Year’s Day
- Third Monday in January – Martin Luther King Day
- Third Monday in February – President’s Day
- Last Monday in May – Memorial Day
- June 19 – Juneteenth National Independence Day
- July 4 – Independence Day
- First Monday in September – Labor Day
- First Tuesday after the first Monday in November during State General Election Day (even-numbered years)
- November 11 – Veteran’s Day
- Fourth Thursday in November – Thanksgiving Day
- Friday after Thanksgiving
- December 24 – Christmas Eve
- December 25 – Christmas Day

The City Council and/or certain departments may establish alternate days for holidays. Some holidays are subject to change and are reviewed annually.

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

## *ELIGIBILITY*

Regular, Seasonal and Temporary full-time employees receive eight (8) hours of paid leave for each holiday. Regular, Seasonal and Temporary part-time employees will earn pay for the holiday on a pro-rated basis, based on the part time employee’s regular schedule at the time the holiday occurs.

To be eligible for holiday benefits, an employee must be in a paid status the last regularly scheduled working day before the holiday and the first regularly scheduled working day following the holiday. If, however, the observed holiday falls on the employee’s regularly scheduled day off, the employee must be in a paid status on the last regularly scheduled working day immediately before or the first regularly scheduled working day immediately after the holiday.

Example: Holiday is a Friday. Employee must be in a paid status (work, sick or vacation leave) on both Thursday AND Monday to earn the holiday pay. If Monday is the employee’s normal day off, then they must be in a paid status on Thursday and Tuesday.

### *USE OF LEAVE*

If one or more holidays fall in the period of an employee's vacation leave, the vacation leave record will be credited for the holiday.

If a holiday falls on an employee's regularly scheduled day off, the employee may be granted another day off within the same pay period, as agreed upon by the employee and their supervisor or designee.

If an employee regularly works a different schedule (10 or 12-hour shifts,) they have the following options:

- Take vacation or compensatory time to make up the missing time on the holiday; or
- Work on a different day in the same workweek, with supervisor approval, to make up the missed time, without overtime compensation; or
- Take LWOP for the missing time, with supervisor approval.

### *WORK ON A HOLIDAY*

If a non-exempt employee is required to work on a holiday, the employee will be paid at one and one-half times the regular rate of pay for the hours worked, in addition to their holiday pay, unless an alternative day off is arranged with the employee's supervisor.

If a holiday falls on an employee's regularly scheduled day off, the employee may be granted another day off, in the same workweek, as agreed upon by the employee and their supervisor or department head, City Manager, or designee.

Exempt employees required to work on the day a holiday is observed may be granted another day off, within the same pay period, as agreed upon by the employee and their supervisor or department head, City Manager, or designee.

## ***SECTION 8: EMPLOYEE BENEFITS***

Employee benefits are provided to employees based on the availability of funds. The City of Belgrade's benefit package may be changed at any time by the City Council. All employees affected by any change, whether it increases or decreases the benefits, will receive a notice of the change. A broad description of core employee benefits follows. Contact Human Resources for more information.

### ***MEDICAL, DENTAL, VISION, AND PRESCRIPTION BENEFITS***

The City of Belgrade makes medical, dental, vision, and prescription insurance benefits available for its eligible employees, retirees and dependents as provided for in the most recent version of the Montana Municipal Interlocal Authority's (MMIA) Plan Document/Summary Plan Description for the City of Belgrade. Employees must work a minimum of 25 (twenty-five) hours per week to be eligible for City benefits. The benefits will take effect on the first of the month following the employee's first day of employment. New employees must sign up within 30 (thirty) days from their hire date or they must wait for a qualifying event or open enrollment to enroll.

In addition to the list of dependents identified in the MMIA Plan Document who meet the "Required Eligibility Conditions", an eligible employee or retiree may enroll a domestic partner, regardless of gender, if that domestic partner is named in an Affidavit of Domestic Partnership that meets the criteria established in the affidavit and is approved by Human Resources and MMIA.

Enrollment and coverage information is available through Human Resources and is provided to all eligible employees at orientation. Employees terminating their employment, and those who are undergoing a layoff or reduction in hours, or entering a Leave Without Pay status, should contact Human Resources to learn about continuing their health, dental, vision and prescription insurance coverage.

Employees are required to notify Human Resources, in writing, of any changes in dependent status, such as separation or dissolution of a marriage, events which indicate an employee's domestic partnership is no longer valid, or birth or adoption of a dependent, within fifteen (15) working days of the date the change occurs. Proof of the qualifying event must be provided, if required.

### ***CONTINUATION OF HEALTH BENEFITS AFTER TERMINATION***

Under the Consolidated Omnibus Reconciliation Act (COBRA), terminating employees and qualified beneficiaries may elect to continue their health insurance coverage, at their own cost, for a period ranging from eighteen (18) to seventy-two (72) months. A qualified beneficiary is:

- Any individual who, on the day before a qualifying event, is covered under the group health plan either as a covered employee, the spouse of a covered employee, or the dependent child of a covered employee; or
- Any child born to or placed for adoption with a covered employee during a period of COBRA continuation.

The qualified beneficiary or a representative of the qualified beneficiary must notify the plan administrator of the qualifying events listed below within sixty (60) days after the latest of:

- The qualifying event;

- The loss of coverage; or,
- The date that the qualified beneficiary receives a General Notice concerning COBRA coverage.

Qualifying events include:

- Divorce;
- Voluntary resignation or retirement;
- Legal separation; or
- A child's loss of dependent status under the plan.

Refer to the MMIA Summary Plan description for further information.

### ***FLEXIBLE BENEFITS PLAN***

The City of Belgrade offers eligible employees a Flexible Benefits Plan for qualified expenses. Under this plan, eligible employees may elect to have a fixed amount of money deducted from their pay, on a pretax basis, and may then use this pretax money to cover the costs of qualified insurance premiums, out of pocket medical expenses, and dependent care expenses. A description of this plan is provided to eligible employees at orientation. Additional information is available through Human Resources.

### ***HEALTH SAVINGS ACCOUNT***

The City of Belgrade offers the option to participate in a health savings account for those eligible employees who choose coverage under the City's high deductible health plan. Additional information is available through Human Resources.

### ***GROUP LIFE INSURANCE***

The City provides a basic life insurance plan for eligible employees, their spouses, domestic partners, and their children. Optional supplemental Life and Accidental Death and Dismemberment (AD&D) programs are also available. Contact Human Resources for more information.

### ***EMPLOYEE ASSISTANCE PROGRAM (EAP)***

An Employee Assistance Program (EAP) is a voluntary, work-based program that offers free and confidential assessments, financial and legal advice, short-term counseling, referrals, and follow-up services to employees who have personal and/or work-related issues. For more information on the City of Belgrade's Employee Assistance Program, contact Human Resources.

### ***LONGEVITY PAY***

It is the policy of the City of Belgrade to make longevity payments to eligible employees each year. Payment is made annually, as a separate check, on the first payroll in November. Refer to the Longevity Policy located in the subsequent Administrative Policies and Procedures for additional information and eligibility requirements.

Longevity pay may be discontinued at any time by vote of the City Council. Upon discontinuance of the policy, the City of Belgrade will have no obligation to pay longevity for time prior to the termination of longevity pay.

### *TUITION REIMBURSEMENT PROGRAM*

The City of Belgrade supports employee development and encourages employees to broaden their knowledge for current and future job responsibilities within the City. Tuition reimbursement for approved courses, certifications and educational programs is available to eligible employees.

Additional policy and procedure information can be found in the subsequent Administrative Policies and Procedures.

### *RETIREMENT*

Employee retirement plans include the Montana Public Employee Retirement System and the Municipal Police Officer's Retirement System, which are administered according to state law. A description of these plans and any optional supplemental retirement program information is provided to eligible employees at orientation. Contact Human Resources for more information.

### *SOCIAL SECURITY*

The City of Belgrade complies with all federal laws regarding the withholding of social security taxes.

### *WORKERS COMPENSATION*

The City of Belgrade provides coverage under applicable state laws regulating workers compensation. On-the-job injury, workers compensation and return to work procedures can be found in the subsequent Administrative Policies and Procedures.

### *UNEMPLOYMENT INSURANCE*

The City of Belgrade provides unemployment compensation coverage to its employees according to Montana law.

### *VOLUNTARY DEDUCTIONS*

The City of Belgrade offers optional payroll deductions for those employees who wish to have contributions to go directly to savings accounts, a 457-retirement plan, charitable donations, etc. Contact Human Resources for more information.



## ***SECTION 9: EMPLOYEE TRAINING AND PROFESSIONAL DEVELOPMENT***

### ***EDUCATION AND TRAINING***

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

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

Employees may be eligible for Tuition Reimbursement; refer to subsequent Administrative Policies and Procedures for more information.

### ***PARTICIPATION IN COMMUNITY ORGANIZATIONS***

The City of Belgrade views personal development through service involvement as beneficial to the employee as well as positive exposure for the City of Belgrade. Employees should consult with their supervisor, the City Manager or designee before volunteering for such organization if work time may be required to attend activities, fundraisers, meetings, etc.

Employees who have received pre-authorization from their supervisor, the City Manager or designee may attend such functions as an excused, paid absence without using vacation leave. The employee's supervisor, the City Manager or designee will monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the City of Belgrade.

### ***PARTICIPATION IN PROFESSIONAL ORGANIZATIONS***

The City of Belgrade views personal development through professional organizations as essential to keeping abreast of changing laws, rules, and legal opinions as well as maintaining a network of professional colleagues which are beneficial for research, feedback, and productive information. Professional contacts are also beneficial for the growth and image of the City of Belgrade.

Employees are encouraged to pursue job-related professional organization affiliations that represent a positive effect in the community, organization, or community. Employees should consult with the City Manager or designee before joining such organization if work time may be required to attend activities, training, meetings, etc. Employees who have received pre-authorization from their supervisor, the City Manager or designee, may attend such functions as an excused, paid absence without using vacation leave. The employee's supervisor, the City Manager or designee will monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the City of Belgrade.

## *LICENSING FEES*

The City of Belgrade recognizes that it may be beneficial for employees to maintain professional certifications or licenses. If the City of Belgrade has requested that an employee obtain a professional license or certification, the City of Belgrade will pay the cost to obtain the license or certification and/or renewal fees while in the City's employ.

All employees are encouraged to provide feedback regarding their professional certifications/licenses with their supervisor and/or City Manager or designee, particularly during the annual performance evaluations, so that the cost of maintaining a current license or the costs for a desired or required licensure can be included during the budget process.

## ***SECTION 10: SAFETY AND HEALTH***

It is the mission and goal of the City of Belgrade to provide City employees a safe and healthy working environment. The City of Belgrade will follow the provisions of the Montana Safety Culture Act and will be responsible for:

- Ensuring employees are provided with and wear appropriate safety clothing and use appropriate safety devices while performing their jobs;
- Correcting safety hazards within the work place;
- Providing necessary job safety training.

City of Belgrade employees are responsible for following the City of Belgrade's safety and health policies and directives and reporting hazardous working conditions to supervisors.

### ***WORKPLACE VIOLENCE***

The City of Belgrade is committed to providing its staff and customers with a safe and healthful work environment in which acts of violence by employees or citizens will not be tolerated. Workplace violence includes any act of creating an environment in which a reasonable person is given cause to feel threatened or intimidated. Workplace violence, threats of violence, intimidation, and other disruptive behavior are strictly prohibited at the City of Belgrade.

All employees are responsible for maintaining a workplace free of violence and are expected to:

- Treat others with respect;
- Not invoke violence;
- Avoid or minimize potentially violent situations to protect themselves from harm;
- Notify their supervisor or department head, Human Resources, or City Manager or designee, if they anticipate a confrontational situation so that security can be arranged;
- When a situation turns hostile, employees should:
  - Try to de-escalate the situation;
  - If de-escalation tactics don't work, they should withdraw from the situation;
  - If safe to do so and the employee is in immediate danger, alert the Police Department, or call 9-1-1;
  - Not use force unless it is necessary for self-defense or the defense of another person;
  - Report any threat or acts of violence to their immediate supervisor or department head, Human Resources or the City Manager or designee.

The City of Belgrade will promptly investigate all complaints or reports of workplace violence. The City of Belgrade will take appropriate and prompt action against an individual who engages in any threatening or intimidating behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.

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

### ***INTIMATE PARTNER/FAMILY VIOLENCE***

Employees should promptly inform the City Manager or designee of any protective or restraining order that they have obtained or are subject to that lists the worksite as a protected area, as well as any safety concerns regarding intimate partner/family violence.

The City of Belgrade will not retaliate against employees making good-faith reports. The City of Belgrade is committed to supporting victims of intimate partner/family violence by providing referrals to the employee assistance program (EAP) and community resources and considering requests for time off for reasons related to intimate partner/family violence.

### ***FIREARMS AND WEAPONS***

Employees are prohibited from bringing unauthorized firearms or other perceived weapons (bows, tasers, pepper spray, knives other than pocketknives, etc.) into the workplace. Employees are also prohibited from carrying unauthorized firearms or other weapons in City of Belgrade vehicles.

Employees serving as Police Officers for the City of Belgrade are allowed to carry firearms and other weapons, as approved, to carry out their role as Public Safety Officers.

### ***SMOKING AND TOBACCO***

The City of Belgrade complies with the Montana Clean Indoor Air Act, which requires all of Montana's enclosed public places and workplaces to be smoke free. Therefore, City of Belgrade facilities and City of Belgrade vehicles are smoke free zones.

For purposes of this policy, "smoking" includes, but is not limited to, use of regular cigarettes, cigars, pipes, vapor/electronic cigarettes, and any other smoking device.

Employees may only smoke during scheduled break and meal periods and must smoke away from entrances and areas where smoke may enter a building or interfere with public traffic in and out of the building. Smoking in view of the public is prohibited.

The use of smokeless tobacco, spitting and spit cups may be offensive to some employees and members of the public, and may not project a professional image to the public. The use of smokeless tobacco in view of the public is prohibited. Smokeless tobacco use in City workspaces, including offices, vehicles, and other equipment is discouraged. Use of smokeless tobacco in these areas can be restricted by the City Manager for any reason.

The City of Belgrade encourages its employees to not use tobacco products of any kind. The City of Belgrade provides a tobacco cessation program. Details of this program can be requested from Human Resources. Employees who wish to quit may also get free help at the Montana Quit Line, 1-800-QUIT NOW (784-8669) or <https://dphhs.mt.gov/publichealth/mtupp/quitline>

### ***ALCOHOL AND DRUG-FREE WORKPLACE***

The City of Belgrade is committed to maintaining a work environment which is drug and alcohol free in compliance with the Drug-Free Workplace Act of 1988. The unlawful and unauthorized use, possession, manufacture, distribution, or sale of controlled substances and alcohol are prohibited in and on City of Belgrade property and on or off City premises during the performance of one's duties.

Police officers injured while in pursuit of their duties will be subject to department policy.

Employees subject to DOT post-accident drug and alcohol testing will follow the requirements according to the Federal Motor Carrier Safety Administration (FMCSA) and the U.S. Department of Transportation.

### ***COMMERCIAL DRIVER'S LICENSE***

Employees who possess a Commercial Driver's License (CDL) are subject to pre-employment, random, reasonable suspicion, post-accident, and return to work drug and alcohol testing, administered according to the Federal Motor Carrier Safety Administration (FMCSA) and the U.S. Department of Transportation (DOT) requirements. Employees in a position which requires a CDL must maintain their CDL; loss of an employee's CDL may result in termination of employment with the City.

Additional Drug and Alcohol Policy and Testing Procedures for all employees can be found in the subsequent Administrative Policies and Procedures.

### ***WORKERS' COMPENSATION: ON THE JOB INJURIES OR EXPOSURES***

The City of Belgrade provides coverage under State laws regulating Workers' Compensation and has duties and responsibilities under the Montana Safety Culture Act (MCA 39-71-5104.)

### ***EMPLOYEE RESPONSIBILITY***

To limit and/or prevent workplace injury or exposure, City employees are responsible for reporting any unsafe conditions and/or equipment to supervisors as soon as possible. Employees must use all required safety and protective devices, follow safe driving procedures, and wear clothing appropriate to weather and working conditions when working outdoors. Employees must follow City and/or departmental safety policies and procedures (a copy of the safety policies and procedures is available from your supervisor.)

Employees must report an on-the-job injury or exposure to their supervisor immediately, by the end of the shift, or as soon as practical/possible after the end of the shift, regardless of whether the employee receives medical attention for the injury or exposure. The supervisor must contact Human Resources immediately to ensure that a first report of exposure or injury is completed as soon as is reasonably practical after becoming aware of an occupational injury or death suffered by a City of Belgrade employee.

Employees must report an occupational disease and/or illness to their supervisor within 24 hours of the time the employee becomes aware of, or should have known of, the presence of an occupational disease and/or illness. The supervisor must ensure that a first report of an occupational illness suffered by a City employee is completed as soon as is practical/possible after becoming aware of an occupational disease and/or illness. In no case shall a first report of illness and/or disease be delayed longer than 30 days post notification of occupational disease and/or illness.

Human Resources is responsible for submitting the first report of injury as soon as is practical/possible upon receipt of notice of an occupational injury, illness or death suffered by an employee.

Nothing in this policy precludes ensuring appropriate medical attention is first provided to an injured employee. In no case shall a first report of injury be delayed longer than 30 days post injury or illness.

No employee will be retaliated against for, or discouraged from, making a good faith report of an occupational illness or injury.

Additional Policy and Procedure information can be found in the subsequent Administrative Policies and Procedures.

#### *RETURN TO WORK*

The City of Belgrade believes employees are its most important asset. The City of Belgrade is committed to assisting injured employees with returning to work as soon as approved by a medical care provider.

There may be ways to implement a Return-to-Work program that meets the needs of both the City of Belgrade and an injured employee. When practical, the focus will be to modify the employee's existing position and/or work schedule temporarily, or to create a position to accommodate the temporary physical restrictions identified by the treating medical provider. If the injury results in permanent restrictions, the City of Belgrade will follow the provisions of the Americans with Disabilities Amendment Act (ADAAA) and Montana law.

Please advise your treating medical care provider of the Return-to-Work policy so they can help design a temporary transitional duty assignment to allow the employee to return to work as soon as possible.

Additional Policy and Procedure information can be found in the subsequent Administrative Policies and Procedures.

#### *VEHICLE ACCIDENT REPORTING PROCEDURES (WITH INJURY OR MEDICAL CARE NEEDED)*

Employees driving a City vehicle or personal vehicle while on City business must report all accidents immediately to appropriate law enforcement and to their supervisor. City employees are required to comply with the law including, but not limited to, staying at the accident scene until released by law enforcement and complying with all orders set by law enforcement. Any post-accident workers' compensation procedures shall be conducted in accordance with applicable laws and policy.

## ***SECTION 11: DISCIPLINE AND DUE PROCESS***

Employees are required to adhere to City policies and procedures and perform their jobs in a manner that is consistent with the City's Code of Conduct, Core Values, and accepted professional and personal standards of behavior for a public workplace. Upon suspected violation of federal, state, or local laws, City of Belgrade rules and/or regulations, employee conduct/behavior/performance standards, or City of Belgrade policies and procedures, an employee may be subjected to disciplinary action.

The following are some examples of offenses that could lead to disciplinary action, up to and including termination of employment. The list is not intended to be exhaustive or in order of severity but is merely intended to illustrate some possible offenses that may warrant disciplinary action by the City of Belgrade; an employee can be disciplined for action not cited on the list.

- Violations of any policy in this Handbook including the City's Core Values and Code of Conduct;
- Excessive or repeated absenteeism or tardiness, or being wasteful of material, property or working time;
- Job abandonment;
- Failing to maintain required certifications;
- Failing to attend and complete required training;
- Poor or unsatisfactory job performance;
- Conduct or language that is abusive, threatening, obscene or likely to incite violence or retaliation;
- Failure to follow safety procedures and protocols;
- Filing false complaints or reports;
- Inability to get along with or disrespect to the public or fellow employees;
- Using, consuming, possessing or distributing alcohol or controlled substances during work time or while operating a City of Belgrade vehicle or equipment, or any other vehicle for City-related business;
- Insubordination or refusing to comply with a directive or assignment (unless the directive or assignment endangers the health and safety of the employee or others);
- Abuse of sick leave;
- Incompetence or lack of attention to duties or wastefulness in the performance of job duties;
- Theft, destruction, loss or abuse of City of Belgrade or another employee's property, tools and equipment;
- False statements and falsification of documents or data;
- Unauthorized use, change, or destruction of City of Belgrade records, reports or other data or information belonging to the City of Belgrade;
- Violating job-related federal, state and/or local laws;
- Harassment or discrimination;
- Operating a City of Belgrade vehicle or any other vehicle for City-related business without a valid driver's license;
- Unauthorized use of telephones, mail system, or other employer-owned equipment;
- Violation of any City of Belgrade rule, regulation, policy, procedure or directive;
- Behavior or actions that bring discredit to the City of Belgrade;
- Other conduct on the job not in keeping with acceptable standards of behavior generally associated with employment.

## ***PROGRESSIVE DISCIPLINE***

The City of Belgrade endorses the use of progressive discipline when addressing employee performance and conduct issues. Progressive discipline involves applying disciplinary actions which may progress from less serious to more serious depending upon the severity of the offense, an employee's overall work history and the repeated nature or pattern of misconduct or unsatisfactory performance.

Progressive discipline may range from corrective counseling to termination of employment. The application of progressive discipline will vary, and steps may be skipped or repeated at the discretion of management. No formal disciplinary action will be undertaken without prior review by Human Resources and the City Manager, or designee.

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

### ***INFORMAL DISCIPLINE***

Informal disciplinary actions are utilized as measures to address the conduct and performance issues as soon as possible to allow the employee an opportunity to correct the issues. Oral warnings and corrective counseling are the primary methods of informal discipline. Informal disciplinary actions cannot be grieved.

### ***FORMAL DISCIPLINE***

In general, formal progressive discipline includes, but is not limited to:

1. Written Warning or Reprimand;
2. Performance Improvement Plan;
3. Suspension Without Pay;
4. Demotion – Loss of Duty;
5. Termination - In addition to being part of the progressive discipline process, termination may be the first step in response to the more serious types of offenses such as, but not limited to, the following:
  - Endangering or threatening the health and safety of others;
  - Using alcohol or illegal drugs on City of Belgrade property or while operating equipment; or during working hours or reporting to work under the influence;
  - Unauthorized absence from work, or failure to report for work;
  - Brandishing any firearm or weapon in or on the employer's premises;
  - Serious or pervasive sexual harassment or acts of discrimination;
  - Theft;
  - Failure to maintain valid licenses and certificates when required to perform job duties.

### ***EMPLOYEE RIGHTS***

An employee who has been subject to formal discipline and who believes the formal discipline is too severe or was issued without good cause, may follow the grievance procedure outlined in Section 12 of this handbook.

In accordance with the Montana Code Annotated, Police Officers have the right to request a Police Commission review of disciplinary actions.



### *DUE PROCESS*

Employees who have completed their new hire probationary period will be provided notice and an opportunity to be heard prior to the imposition of a demotion, suspension without pay, reduction of pay within a grade, or termination.

Unless waived by the employee, a due process hearing before the City Manager will be held to provide the employee the opportunity to be heard and present relevant information. The employee may have representation to provide advice or assistance. The hearing may include other City representatives, such as supervisors, Human Resources, and the City Attorney. The City Manager will make a reasonable effort to set the hearing for a time that is convenient to the employee.

### *RETENTION OF DISCIPLINARY DOCUMENTS*

All formal records and notices of disciplinary action will be signed by the employee and placed in their official personnel file, and the employee will receive a copy. If an employee refuses to sign the disciplinary documents, a witness (typically the supervisor) will sign and make a note that the employee was provided a copy and refused to sign.

# ***SECTION 12: GRIEVANCE AND COMPLAINT PROCEDURE***

## ***GRIEVANCE***

It is the City's policy to maintain a grievance and complaint procedure to resolve claims resulting from employment actions in a prompt and effective manner. For purposes of this policy, a grievance is defined as an allegation by an employee that:

- A term and/or condition of employment is unjust or inappropriate;
- A City of Belgrade regulation, policy, or procedure has been either wrongfully applied or applied in a manner that violates the regulation, policy, or procedure; and/or
- A formal disciplinary action is inappropriate.

In accordance with Montana Code Annotated, Police Officers have the right to request Police Commission review of grievance actions.

## ***INFORMAL RESOLUTION***

Most employee concerns can be resolved by informally discussing the problem with the supervisor. Before filing a formal grievance, employees must present their work-related concerns to their supervisor for informal resolution. This discussion shall occur within five (5) working days of the date the alleged incident occurred. At the time of this discussion, the employee must inform their supervisor that the discussion is an attempt at informal resolution under the Grievance Procedure. Employees are protected from discrimination, coercion, restraint, or reprisal in initiating either an informal or formal action. Human Resources may attend this meeting.

## ***INFORMAL GRIEVANCE PROCESSING***

The supervisor, in cooperation with Human Resources, has five (5) working days to respond, in writing, to an attempt at informal resolution.

Upon receipt of the supervisor's written response, the employee will have five (5) working days to accept or reject the response. If the employee accepts the response, the grievance procedure ceases, and any recommended actions are taken to address the issue.

If the employee does not agree with or accept the response, the employee must submit a written formal grievance within the five (5) working day period.

The employee/grievant carries the burden of moving the grievance forward within the time specified for that step, unless the time has been extended by mutual agreement, in writing, of the parties. Failure of the grievant to comply with the established time limits shall result in dismissal of the grievance.

If a step in the following procedure is deemed inappropriate (for example, the supervisor is the person alleged to have violated the policy or a second level of supervision does not exist), that step may be bypassed by submitting the grievance to the next step.

Each party to a grievance is responsible for making good faith efforts to resolve grievances at their lowest level possible.

### *FORMAL GRIEVANCE PROCEDURES*

If the employee is dissatisfied with the results of the informal resolution, s/he may file a formal grievance. The formal grievance procedure follows:

#### *STEP 1*

The formal grievance must be filed with the department head within five (5) working days from the date the employee receives their supervisor's response to the attempt at informal resolution. A formal grievance must be in writing and must include:

- The action being grieved;
- A description of the incident giving rise to the grievance from the employee's perspective (including people involved, dates, times and relevant facts);
- The policy(ies) the employee believes have been violated;
- Why the employee believes the grievance is justified;
- The remedy sought (define the action(s) the employee believes should be taken if the grievance is upheld); and
- The supervisor's informal resolution written response.

The department head, in coordination with Human Resources, will investigate the grievance and will respond, in writing, within ten (10) working days of notification of the formal grievance. The grievant will have five (5) working days to review the response from the department head. If the grievant accepts the response, the grievance process ceases, and any recommended actions are taken to address the issue.

#### *STEP 2*

If the employee is not satisfied with the Step 1 response, the employee may, within five (5) working days of receipt of the Step 1 response, submit the grievance to the City Manager. The grievance must be in writing and must include:

- The action being grieved;
- A description of the incident giving rise to the grievance from the employee's perspective (including people involved, dates, times and relevant facts);
- The policy(ies) the employee believes have been violated;
- Why the employee believes the grievance is justified;
- The remedy sought (define the action(s) the employee believes should be taken if the grievance is upheld); and
- The Step 1 written response.

The City Manager or designee, within fifteen (15) working days of receipt of the grievance, will submit a written decision to the employee and the employee's department head. The City Manager's decision is final and concludes the internal appeal process.

\*If the employee is directly supervised by the City Manager and is not satisfied with the City Manager's Step 1 response as the employee's supervisor, the employee may, within five (5) working days of receipt

of the Step 1 response, submit the grievance to the City Attorney according to the Step 2 requirements above.

The City Attorney will designate a neutral third party to investigate the grievance and will ensure that the investigation is completed in a timely manner. The investigator will be responsible for conducting a timely investigation and preparing a written report containing the findings of fact and recommendation(s) for a resolution to the grievance, if applicable.

The City Attorney will accept all or part of the investigator's report and/or recommendations or reject the recommendation(s) and formulate their own resolution to the disputed issue within twenty (20) business days of receipt of the investigator's report. The City Attorney will submit a written decision to the employee and City Manager. The City Attorney's or designee's decision is final and concludes the internal appeal process.

The facts of the individual grievances or cases will not be binding or set precedent in future grievances unless they are included in or added to the City of Belgrade Administrative Policies and Procedures or the Employee Handbook.

## ***SECTION 13: RULES OF CONDUCT/PUBLIC TRUST***

### ***PUBLIC TRUST/PUBLIC DUTY***

The holding of public office or public employment is a public trust. City of Belgrade employees are expected to perform their duties satisfactorily for the benefit of the public and refrain from engaging in misconduct. The professional behavior of City of Belgrade employees on and off the job must be compatible with the best interests of the City of Belgrade.

The Montana Constitution prohibits conflict between a public employee's private interest and their public duty. The Standards of Conduct are found in Title 2, Chapter 2, Montana Code Annotated (MCA). Because the Legislature may amend these rules, it is important to review them from time to time.

### ***RULES OF CONDUCT FOR CITY EMPLOYEES***

Expectations for the City of Belgrade employees can be grouped into six major categories: Gifts, Fiduciary, Self-dealing, Unwarranted Privileges, Use of Public Property for Private Purposes, and Anti-Retaliation. A summary of MCA provisions for each of these categories is provided below. Refer to MCA Title 2, Chapter 2 for more information.

#### ***GIFTS***

City of Belgrade employees may not accept a substantial gift or economic benefit. Substantial gifts are generally valued at more than \$50. The MCA defines "economic benefit" to include a loan with interest below market rate and/or compensation for the employee's private services substantially above the market rate.

The definition of gift in 2-2-102, MCA excludes the following:

- a gift that is not used and is either returned to the donor within 30 (thirty) days or donated to a charitable organization;
- food and/or beverage consumed while participating in a City-related charitable, civic or community event or that the employee is attending in an official capacity;
- educational materials directly related to City of Belgrade job duties;
- an award presented publicly in recognition of public service;
- educational activity that does not place or appear to place the employee under any obligation and is not lavish or extravagant.

Acceptance of a gift or economic benefit intended as a bribe, regardless of value, could result in criminal penalties. Employees who need additional guidance on the acceptance of gifts or economic benefits should contact the City Manager prior to accepting gifts. Violation of this standard is proof that the employee has breached their public duty. Disclosure is not a defense.

### *SELF-DEALING*

City of Belgrade employees may not:

- disclose or use confidential information acquired in the course of their work for their personal economic interests;
- be purchasers at any sale or the vendor at any purchase made by them in their official capacity;
- perform an official act which directly and substantially harms a business when the employee has a substantial personal interest in a competing business;
- assist a person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the City of Belgrade;
- assist a person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;
- perform an official act which directly and substantially provides an economic benefit to a business in which the employee has a substantial financial interest or for which the employee is engaged as a counsel, consultant, representative or agent. This does not prohibit the City Manager from performing an official act if:
  - the participation is necessary to the administration of a statute; and
  - the City Manager discloses the conflict to the Commissioner of Political Practices and for the record in the proceeding;
- acquire an interest in any business or undertaking the employee has reason to believe may be directly and substantially affected to its economic benefit by actions taken by the City of Belgrade; or
- engage in a substantial financial transaction for the employee's private business purposes with a person whom the employee inspects or supervises in the course of their official duties.

Each of the acts listed above is a breach of public duty. Disclosure is not a defense, except as noted.

### *FIDUCIARY*

City of Belgrade employees charged with the disbursement of public monies must not pay any warrant or other evidence of indebtedness against the City of Belgrade when the same has been purchased, sold, received, or transferred contrary to any of the provisions of MCA Title 2, Chapter 2.

### *UNWARRANTED PRIVILEGES*

City of Belgrade employees may not:

- engage in any activity, including lobbying, on behalf of any organization to which the employee belongs while performing their duties;
- participate in a proceeding before the City of Belgrade that is within the scope of the employee's duties, or attempt to influence a local, state, or federal proceeding in which the employee represents the City of Belgrade, when an organization of which the employee is an officer or director is involved;
- obtain employment six (6) months following voluntary termination, taking advantage unavailable to others on matters with which the employee was directly involved. Such matters include rules which the employee helped formulate and applications, claims or contested cases in which the employee was actively involved;

- contract or be employed within six (6) months of termination by someone who contracts with the City of Belgrade involving matters with which the employee was directly involved during their employment with the City of Belgrade.
  - This does not apply to former employees who were involuntarily terminated because of a reduction in force or other involuntary termination not involving violation of the provisions of MCA Title 2, Chapter 2.
  - This does not apply to contracts awarded to the low bidder based on a competitive process, to merchandise sold to the highest bidder at public auction, to investments or deposits in financial institutions that are in the business of loaning or receiving money; or to a contract with an interested party if, because of geographic restrictions, the City of Belgrade could not otherwise reasonably afford itself of the subject of the contract; or
- receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:
  - The employee reimburses the City of Belgrade for the salary paid for performing the function from which the employee was absent; or
  - The employee's salary from one employer is reduced by the amount of salary received from the other public employer to avoid duplicate compensation for the overlapping hours.

This policy does not prohibit a City of Belgrade employee from receiving income from the use of accrued leave during the period of overlapping employment. However, any City of Belgrade employee receiving salaries from two separate public employment positions that overlap for the hours being compensated, shall disclose the amounts received from the two separate public employment positions to the Commissioner of Political Practices.

*USE OF PUBLIC PROPERTY FOR PRIVATE BUSINESS AND/OR PERSONAL PURPOSES*

City of Belgrade employees may not use public time, facilities, equipment, supplies, personnel, or funds for private business or personal purposes. This includes soliciting support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless authorized by law or properly incidental to another activity required or authorized by law. Please refer to 2-2-121(3), MCA.

This rule is not intended to restrict a City of Belgrade employee's right to express their personal political views or comments to the Belgrade City Council as a private citizen. However, the employee may not use City of Belgrade resources to do so.

*ANTI-RETALIATION*

It is unlawful for a City of Belgrade employee to retaliate against, or to condone or threaten retaliation against, an individual who, in good faith, alleges waste, fraud, or abuse. In this case, "retaliate" means to take any of the following actions against an individual because the individual, in good faith, alleged waste, fraud, or abuse:

- terminate employment;
- demote;
- deny overtime, benefits, or promotion;
- discipline;

- decline to hire or rehire;
- threaten or intimidate;
- reassign to a position that hurts future career prospects;
- reduce pay, work hours, or benefits; or
- take another adverse personnel action.

Employees who retaliate against an individual who, in good faith, alleges waste, fraud, or abuse are subject to civil actions and may be subject to disciplinary action, up to and including termination of employment.

#### *DISCLOSURE REQUIREMENTS*

The law requires City of Belgrade employees to make the following disclosures in the described circumstances:

- Employees may not solicit or accept employment or engage in negotiations or meetings to consider employment with a person they regulate in their official duties, without first giving written notice to their supervisor and the City Manager.
- A City of Belgrade employee who is a member of a quasi-judicial board or commission or a board, commission or committee with rulemaking authority and who has a conflict created by a personal or private interest that gives rise to the appearance of impropriety must disclose to his superior or other appropriate authority, the existence of such person or private interest creating the conflict prior to participating in the official action.
- A City of Belgrade employee shall, prior to acting in a manner that may impinge their public duty, including the award of a permit, contract or license, disclose the nature of the private interest creating the conflict. This disclosure must be in writing to the Commissioner of Political Practices and must list the amount of private interest, if any, the purpose and duration of the services rendered, if any, and the compensation received for the services or other information that is necessary to describe the interest. If the employee then performs the official act involved, the employee shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act.

#### *ENFORCEMENT OF THE RULES OF CONDUCT*

The City of Belgrade employees who become aware of violations of this policy shall report their observations to the City Manager. The City Manager reviews the violations and may appoint an external 3-member panel to review the allegation in compliance with MCA 2-2-144(5) or will refer the allegation to the County Attorney. See MCA 2-2-144.



# ***EMPLOYEE HANDBOOK RECEIPT AND ACCEPTANCE***

City of Belgrade  
Employee Handbook  
Adopted: July 1, 2023

I hereby acknowledge that I have received a copy of the City of Belgrade Employee Handbook and understand and agree that it is my responsibility to read and comply with the policies in the Handbook. I further understand that this employee handbook for the City of Belgrade does not constitute a guarantee of employment or promise of any kind. The City of Belgrade, in its sole discretion, may direct, hire, promote, transfer, assign and retain employees; supervise, discipline, and relieve employees from their duties; determine and change hours of work, shifts, and methods of operation; establish, change, or abolish its policies, practices, rules and regulations.

I understand that the employee handbook and all other written and oral materials provided to me are intended to inform employees regarding the operating policies of the City of Belgrade and are to be used as a guide to City of Belgrade employees in the performance of their duties. The employee handbook may be changed from time to time without notice and at the sole discretion of the City of Belgrade. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

I acknowledge that I have reviewed this handbook and I understand how it applies to my position at the City of Belgrade. I recognize that the City will apply the Handbook's policies and interpret such policies in the circumstances presented.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

\*To be placed in the employee's personnel file.

