

RESOLUTION NO. R16-15

**A RESOLUTION ADOPTING A PERSONNEL POLICY MANUAL
FOR THE CITY OF LAUREL.**

WHEREAS, the City of Laurel is dedicated to the principle of prompt, courteous, efficient, nondiscriminatory, and quality service to our citizens;

WHEREAS, the City of Laurel desires to foster the public trust that City employees are representing the City in the most consistent and professional manner possible;

WHEREAS, the City of Laurel deems it essential to communicate employment expectations between the City and its employees; and

WHEREAS, City staff has worked with a contractor to prepare a personnel policy manual for City employees and the Mayor and Chief Administrative Officer recommend the City Council adopt the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council hereby adopts the City of Laurel Personnel Policy Manual, attached hereto and incorporated herein.

Introduced at a regular meeting of the City Council on February 16, 2016, by Council Member Dickerson.

PASSED and APPROVED by the City Council of the City of Laurel this 16th day of February, 2016.

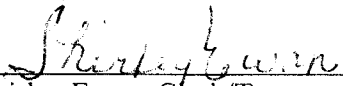
APPROVED by the Mayor this 16th day of February, 2016.

CITY OF LAUREL



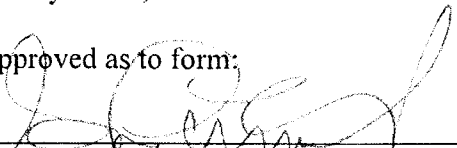
Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, Clerk/Treasurer

Approved as to form:



Sam S. Painter, Civil City Attorney

**PERSONNEL POLICY MANUAL
FOR THE
CITY OF LAUREL**



Effective Date: February 16, 2016
Adopted via Resolution No. R16-15

**City of Laurel
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Laurel, Montana 59044
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RECEIPT PAGE

It is expressly understood that the Personnel Policy Manual for the City of Laurel does not constitute a guarantee of employment or promise of any kind. The City of Laurel, 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.

It is understood that the Personnel Policy Manual is issued to inform Employees regarding the operating policies of the City of Laurel. The Personnel Policy Manual may be changed from time to time at the sole discretion of the City of Laurel and is to be used as a guide to City of Laurel Employees in the performance of their duties. Violations of the policies set forth in this Personnel Policy Manual may result in disciplinary action.

By signing this statement, the Employee acknowledges that the City of Laurel Personnel Policy Manual has been received and read and that the Employee understands the policies contained herein.

Signed _____ Date _____

Print Name _____

Position _____

Effective Date of Employment _____

Attest:

Supervisor _____

Date _____

TABLE OF CONTENTS

Welcome	1
Essential Legal Provisions	2
Collective Bargaining Agreements.....	2
Personnel Policy Manual	2
Right to Revise.....	2
Probationary Employment Period.....	3
Equal Employment Opportunity (EEO)	3
Non-Discrimination in Employment.....	3
Harassment / Sexual Harassment	4
Reporting an Act of Harassment	5
Harassment Hotline.....	5
The Americans with Disabilities Act (ADA)	5
Family and Medical Leave Act (FMLA)	6
Problem Resolution	13
Problem Resolution Procedure	13
Employment	14
Employee Classifications	14
Contract for Service.....	15
Volunteers	15
Hours of Work.....	15
Work Schedules.....	15
Tardiness.....	15
Attendance / Absenteeism.....	16
Meals and Rest Periods.....	16
Job Duties.....	16
Reductions in Force.....	17
Discipline.....	17
Personal Information	18
Personnel Records.....	18
Employee References	18
Employment of Relatives and Personal Relationships	18
Standards of Conduct	20
Honesty/Ethics Policy.....	20
Employee Dress and Appearance	20
Employee Dress Code.....	20

Theft	21
Conflict of Interest and Outside Employment	22
Political Activity	22
Lawsuits	22
News.....	22
Community Relations	22
Participation in Community Organizations.....	23
Participation in Professional Organizations	23
Parking.....	24
Vehicle Usage.....	24
Reporting Accident or Injury.....	25
Workplace Safety	26
Safety Data Sheets	27
Accident or Injury Reporting.....	27
Workers' Compensation.....	27
Early Return to Work.....	28
Visitors	28
Weapons.....	28
Arrests (Reporting of).....	28
Abuse / Violence	28
Smoking/Smokeless Tobacco.....	29
Alcohol / Drugs	29
Medical Marijuana.....	35
Operational Considerations	37
Housekeeping.....	37
Breastfeeding Policy.....	37
Bulletin Boards	37
Solicitation and Distribution of Literature	37
City Equipment	38
Telephone / Equipment Usage.....	38
Cell Phones.....	38
Computer, Internet and E-mail Usage	39
Social Media Policy	40
Job Descriptions	42
Compensation	42
Paydays	42
Overtime	43

Exempt Employees	43
Time Reporting.....	43
Direct Deposit Options.....	44
Call Out.....	44
On Call	44
City Credit Cards.....	44
Final Pay	45
Employee Benefits	46
Official Benefit Documents.....	46
Benefits Coordinator.....	46
Beneficiary Designations.....	46
Insurance/Pension	46
Holidays.....	47
Annual Leave/Vacation.....	47
Leaves of Absence	48
Inactive Status	48
Military Leave	48
Public Office Leave	49
Leave Without Pay.....	49
Bereavement Leave	50
Jury and Witness Duty	50
Sick Leave	51
Pregnancy Leave	52

Welcome

The City of Laurel welcomes you and wants you to know what to expect from the City and what the City expects from you. Working for the City is not like any other job. Each of us is obligated to the principle of prompt, courteous, efficient, nondiscriminatory, and quality service to our citizens. We expect all of our Employees to act in a professional manner in all aspects of employment, whether dealing with the public or your fellow Employees. As a City Employee, in effect, you are a public relations person for the City and represent the quality of the City and its Employees.

Employees are expected to conduct their job functions in a professional, businesslike fashion with minimal interference by other staff members or visitors. Employee attention to responsibilities and work products should be constant, consistent, efficient and productive. Personal interference or distractions should be kept to a minimum.

You should convey friendliness and cooperation to the public in all conversations. Listen carefully to citizens' requests, answer questions carefully and accurately or refer them to the appropriate department or official. There is no substitute for a friendly and cooperative Employee in giving the public trust and satisfaction that we are representing the City to the best of our abilities.

This Personnel Policy Manual is presented as a matter of information only and nothing contained in this Personnel Policy Manual shall be construed as an agreement or contract of employment between the City of Laurel and any one or all of its Employees. While this Personnel Policy Manual describes the current policies and benefits of the City of Laurel, these policies are not conditions of employment nor do they create any vested rights for City Employees.

The Personnel Policy Manual cannot cover all employment situations, scenarios, or questions, but it is designed to cover the basic rules. Policies and rules contained within the manual will be added, updated, or deleted as determined by the City of Laurel. If, after reviewing this general Statement of Policy, you have additional questions, contact your Department Head for assistance.

We are proud of the reputation and success of the City. It is our belief that these accomplishments are the result of dedication, hard work and good communication.

We hope that you will find your association with the City of Laurel rewarding.

MAYOR

Essential Legal Provisions

Collective Bargaining Agreements

The provisions of the City Personnel Policy Manual shall apply to all Employees except in cases where these policies conflict with applicable Collective Bargaining Agreements duly agreed upon by authorized Employee organizations. Where there is a conflict, the applicable Collective Bargaining Agreement shall apply to those represented Employees only. Employees covered by such Collective Bargaining Agreements are not entitled to benefits nor rights listed in the City Personnel Policy Manual where not specifically granted by the applicable Collective Bargaining Agreement.

Personnel Policy Manual

The purpose of this Personnel Policy Manual is to provide you with a summary of the rules, regulations and available benefits pertaining to your work assignments and work activity as an Employee of the City of Laurel. Please read the contents carefully. This Personnel Policy Manual supersedes any and all previous documents pertaining to rules and regulations at the City of Laurel (hereinafter known as the City). During the course of your employment, you will want to refer back to it when you have a question.

This Personnel Policy Manual is further intended to help you feel comfortable in your job and assist you in finding satisfaction in your job performance. Should you have any problem or concern relating to any action or situation affecting your work assignments or work conditions, please feel free to communicate your concerns. The Problem Resolution Procedure presented in this Personnel Policy Manual is for the expressed purpose of helping you find a satisfactory resolution to any and all problems.

This Personnel Policy Manual contains the rules and regulations for your employment relationship with the City. The Personnel Policy Manual is not intended to create any contractual rights in favor of you, or the City.

The specific rules, regulations and available benefits pertaining to your work assignments and work activity at the City are summarized in the Personnel Policy Manual. Your compensation and duties will be governed by your assigned job position and/or job description.

The City will help you in any way we can to make your job more rewarding. Please feel free to discuss any questions or ideas with your supervisor.

We hope you find your work satisfying and rewarding. We look forward to a successful business relationship.

Right to Revise

This Personnel Policy Manual contains the employment policies and practices of the City in effect at the time of publication. All previously issued Personnel Policy Manuals and any inconsistent policy statements or memoranda are superseded.

The City reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this Personnel Policy Manual or in any other document. However, any such changes must be in writing and must be signed by an authorized representative of the City.

Any written changes to this Personnel Policy Manual will be distributed to all Employees so that the Employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this Personnel Policy Manual.

This Personnel Policy Manual sets forth the entire agreement between you and the City for the duration of employment and the circumstances under which employment may be terminated. Nothing in this Personnel Policy Manual or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any Employee.

Probationary Employment Period

When the City of Laurel hires a new Employee, the first one hundred eighty (180) days of employment is a period called the Probationary Employment Period. During this time, you are able to learn about your job and your new surroundings.

During the first one hundred eighty (180) day period, your job performance, attendance, attitude and overall interest in your job will be observed by your supervisor. During this period, you may not be eligible for most benefits. Throughout the Probationary Employment Period, the City will be assessing your selection as an Employee. Employees who fail to demonstrate the commitment, performance and attitude expected by the City may be terminated at any time during the Probationary Employment Period. The Probationary Employment Period may be extended up to an additional six months.

As a result of any excused absence(s) during your Probationary Period, or for other reasons identified by management, the City may choose to extend your Probationary Period as necessary to give you a further opportunity to demonstrate your ability to do the job. If your Probationary Period is extended, you will be notified.

Equal Employment Opportunity (EEO)

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at the City, where employment is based upon personal capabilities and qualifications without discrimination because of race, color, religion, sex, national origin, disability, age, marital status, genetic information or any other protected characteristic as established by law.

This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

The City has overall responsibility for this policy and maintains reporting and monitoring procedures. Employee's questions or concerns should be referred to the City. Appropriate disciplinary action may be taken against any Employee willfully violating this policy.

Non-Discrimination in Employment

The City of Laurel complies with Federal and State laws regarding non-discrimination in employment. Applicants for employment are considered for employment and Employees shall hold their employment without discrimination because of their race, color, political beliefs, veteran/military status, religion, national origin, age, sex, disability/handicap, genetic information, sexual orientation or marital status as required by law, except when reasonable business demands so require and law requires such distinction. In no event shall the hiring of

any Employee be considered as creating a contractual agreement or specified time period of employment.

The City is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operation of the City and prohibits unlawful discrimination by any Employee of the City, including supervisors and co-workers.

Harassment / Sexual Harassment

The City of Laurel is committed to providing a work environment free of harassment. Commitment of or involvement in any act of unlawful harassment of another individual will not be tolerated. All forms of harassment, including any degrading work assignment(s), word(s), or action(s), toward an individual or an individual's race, color, religion, sex, sexual orientation, age, national origin, genetic information and marital status are prohibited.

It is specifically emphasized that sexual harassment in any form is expressly prohibited. Conduct of any kind that is perceived to be sexual harassment by a supervisor or Employee will not be tolerated.

Sexual harassment conduct includes, but is not limited to: explicitly or implicitly subjecting an Employee to sexual advances as a condition of the Employee's employment, evaluation, salary, advancement, assigned duties, shifts, or any other condition of employment; sexual flirtations, touching, advances, or proposition; the development of a perceived flirtatious personal relationship between two Employees where one Employee is in a position to assign or review the work of the other; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; the display in the work place of sexually suggestive objects or pictures, including nude photographs; and/or any unwelcome conduct which unreasonably interferes with the Employee's job performance or creates a hostile or offensive work environment. Any Employee who engages in the conduct of harassment will be subject to discipline and/or termination.

Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
- Retaliation for reporting or threatening to report harassment.

Reporting an Act of Harassment

You are requested and strongly urged to immediately report to your supervisor or the Harassment Hotline any act of harassment. All complaints of harassment will be treated seriously and Employee confidentiality will be respected.

The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action or termination of employment.

Harassment Hotline

The City of Laurel has a zero tolerance policy regarding any discriminatory, harassing, or retaliatory conduct in the workplace. Pursuant to that policy, we have subscribed to a telephone reporting/complaint service called the Harassment Hotline so that our Employees can readily report such acts, including theft and safety matters without fear of retaliation, job loss, or embarrassment.

The Hotline is an unbiased, third party reporting system and satisfies the United States Supreme Court's position that entities must "...clearly show they provide a simple complaint process that is calculated to encourage victims of harassment to come forward."

We do not anticipate that our Employees will need to use the Harassment Hotline, as we expect and assume that all of our Employees will conduct themselves free of harassment. Still, if it is needed, the service is available and allows ANY Employee to report any allegation of sexual harassment, discrimination, retaliation, theft, or any safety concern that occurs in the workplace, or any harassment by a third party.

Sexual harassment, discrimination, retaliation and other inappropriate behavior cannot and will not be tolerated under any circumstances. The only way we can stop such behavior in the workplace is to bring it out in the open by communication and total Employee/employer commitment.

For the convenience of our Employees, the Hotline can be accessed 24 hours per day, seven days per week. The toll free number is **1-800-97-STOP IT (1-800-977-8674)**. The City has a unique identification number, which is **990039**. Any Employee may call the toll-free telephone number at any time and report harassment, discrimination, retaliation, theft, or any safety concern without fear of retaliation.

Remember that the City management cannot correct any situation that is of concern to you unless it knows about it. In this regard, your cooperation is needed and appreciated.

You also should be aware that the Federal Equal Employment Opportunity Commission and various state agencies investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency.

The Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are Federal laws that prohibit employers from discriminating

against applicants and individuals with disabilities. These acts require employers to reasonably accommodate individuals with disabilities who are qualified for a job, with or without reasonable accommodations, so they may perform the essential job duties of the position.

An individual who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant.

It is the policy of the City to comply with all Federal and State laws concerning the employment of persons with disabilities.

It is the City of Laurel's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment.

All Employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which cannot be eliminated by reasonable accommodation, will not be hired. Current Employees who pose a direct threat of safety to the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the Employee's immediate employment situation.

The City is responsible for implementing this policy, including resolution of reasonable accommodation, safety and undue hardship issues.

Family and Medical Leave Act (FMLA)

(Bargained employees; See applicable Collective Bargaining Agreement for Family and Medical Leave)

The City of Laurel will comply with the Family and Medical Leave Act implementing regulations as revised effective January 16, 2009. The City posts the mandatory FMLA Notice and upon hire provides all new Employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act in the break room of each City facility.

General Provisions

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

Triggering Events

- 10 consecutive working days away from work
- A doctor's note
- Workers' Compensation Leave
- Completion of FMLA Forms
- Notification from Department Head of Employee's request for leave
- Request for Military Leave

Eligibility

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

1. The Employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the Employer's intention to rehire the Employee after the service break. For eligibility purposes, an Employee will be considered to have been employed for an entire week even if the Employee was on the payroll for only part of a week or if the Employee is on leave during the week.
2. The Employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an Employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an Employee under FMLA.
3. The Employee must work in a worksite where 50 or more Employees are employed by the City within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

Type of Leave Covered

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

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

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

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

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

Employees with questions about what this FMLA policy or under the company's sick leave policy should consult with the Clerk/Treasurer.

If an Employee takes paid sick leave for a condition that progresses into a serious health condition and the Employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5. Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An Employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the Employer and Employee agree, including agreement on timing and duration of the leave.

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

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

This leave may extend to up to 26 weeks in a single 12-month period for an Employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

Amount of Leave

An eligible Employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an Employee uses any leave under this policy. Each time an Employee takes leave, the City will compute the amount of leave the Employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the Employee is entitled to take at that time.

An eligible Employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

Employee Status and Benefits during Leave

While an Employee is on leave, the City will continue the Employee's health benefits during the leave period at the same level and under the same conditions as if the Employee had continued to work.

If the Employee chooses not to return to work for reasons other than a continued serious health condition of the Employee or the Employee's family member or a circumstance beyond the Employee's control, the City will require the Employee to reimburse the City the amount it paid for the Employee's health insurance premium during the leave period.

Under current City policy, the Employee pays a portion of the health care premium. While on paid leave, the Employer will continue to make payroll deductions to collect the Employee's share of the premium. While on unpaid leave, the Employee must continue to make this payment, either in person or by mail. The payment must be received in the City Clerk/Treasurer's office by the 15th day of each month. If the payment is more than 30 days late, the Employee's health care coverage may be dropped for the duration of the leave. The Employer will provide 15 days' notification prior to the Employee's loss of coverage.

If the Employee contributes to a life insurance or disability plan, the Employer will continue making payroll deductions while the Employee is on paid leave. While the Employee is on unpaid leave, the Employee may request continuation of such benefits and pay his or her portion of the premiums, or the Employer may elect to maintain such benefits during the leave and pay the Employee's share of the premium payments. If the Employee does not continue these payments, the Employer may discontinue coverage during the leave. If the Employer maintains coverage, the Employer may recover the costs incurred for paying the Employee's share of any premiums, whether or not the Employee returns to work.

Employee Status after Leave

An Employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the Employer's response to the FMLA request. Generally, an Employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The City may choose to exempt certain key Employees from this requirement and not return them to the same or similar position.

Use of Paid and Unpaid Leave

An Employee who is taking FMLA leave because of the Employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of a child and for an Employee's serious health condition, including Workers' Compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an Employer provides six weeks' of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the Employee's 12-week entitlement. The Employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An Employee who is taking leave for the

adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An Employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An Employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the City's sick leave policy) prior to being eligible for unpaid leave.

Intermittent Leave or a Reduced Work Schedule

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

The City may temporarily transfer an Employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the Employee or Employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the City and the Employee must mutually agree to the schedule before the Employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the Employee is taking leave for a serious health condition or because of the serious health condition of a family member, the Employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the Employee must prove that the use of the leave is medically necessary.

Certification for the Employee's Serious Health Condition

The City will require certification for the Employee's serious health condition. The Employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The City may directly contact the Employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the Employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the Employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the Employee's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the Employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an Employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the

City will require the opinion of a third doctor. The City and the Employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The Employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Certification for the Family Member's Serious Health Condition

The City will require certification for the family member's serious health condition. The Employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

The City may directly contact the Employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the Employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the Employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the Employee's family member's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the Employee's family member to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an Employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the Employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The Employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Certification of Qualifying Exigency for Military Family Leave

The City will require certification of the qualifying exigency for military family leave. The Employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

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

The City will require certification for the serious injury or illness of the covered service member. The Employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.

Recertification

The City may request recertification for the serious health condition of the Employee or the Employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the Employee receives information casting

doubt on the reason given for the absence, or if the Employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the Employee or the Employee's family member every six months in connection with a FMLA absence. The City may provide the Employee's health care provider with the Employee's attendance records and ask whether need for leave is consistent with the Employee's serious health condition.

Procedure for Requesting FMLA Leave

All Employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the City Clerk. Within five business days after the Employee has provided this notice, the City Clerk and/or CAO will complete and provide the Employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the Employee must provide the Employer with at least 30 days' notice. When an Employee becomes aware of a need for FMLA leave less than 30 days in advance, the Employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the Employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Designation of FMLA Leave

Within five business days after the Employee has submitted the appropriate certification form, the City Clerk or CAO will complete and provide the Employee with a written response to the Employee's request for FMLA leave using the DOL Designation Notice.

Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against Employees on FMLA leave, the City may require an Employee on FMLA leave to report periodically on the Employee's status and intent to return to work.

Under certain conditions, Employees who are designated as "key" may be denied job restoration rights. These Employees must be in the highest paid 10 percent of the work force and their absence must mean a substantial economic loss to the City. If a person designated as "key" still takes family leave, the City will pay the health insurance premiums, but no guarantees are made about returning them to the positions they left.

At the end of the twelve-week period, the following options are available to the City for returning Employees that have sick and/or vacation leave remaining in their leave bank:

- If the leave is tied to Workers' Compensation, refer to the Workers' Compensation Policy.
- Retain the Employee as active until leave bank is exhausted, then notify the Employee that they are inactive (terminated).
- If there is no indication that the Employee will return to work in an acceptable (acceptable determined on a case-by-case basis through interactive dialogue with the Employee and their caregivers), terminate the Employee and pay out the leave bank as wages, pursuant to statute.

An Employee who fails to return to work on his or her regularly scheduled workday after the pre-approved leave without pay period will be considered to have voluntarily resigned unless the leave period is extended, in advance, by the Mayor/Supervisor. Providing false or misleading information or reasons to justify a FMLA absence may result in discipline, up to

and including termination. FMLA provisions indicate that, at the City's discretion, health insurance premiums may be recovered from Employees who do not return to work.

Problem Resolution

(Bargained Employees: See applicable Collective Bargaining Agreement for Grievance Procedure. This policy applies to non-probationary employees.)

The City of Laurel is interested in your ideas and suggestions, as well as your questions, concerns, problems, or grievances. You should feel free to communicate your ideas, suggestions, concerns, problems, or grievances to management.

If you have a grievance, you must follow the problem resolution procedure contained in this Personnel Policy Manual. This procedure is your exclusive remedy for any dispute resolution. You will not be retaliated against for use of the procedure.

Problem Resolution Procedure

If you feel you have a problem or grievance, you must use the following procedure within seven (7) days of the occurrence. Indicate to your immediate supervisor that you are initiating the problem resolution procedure.

This procedure will be concluded within ninety (90) days of the initial report of problem or grievance.

The problem resolution procedure will use calendar days for monitoring the time line. Failure to respond within the outlined time line by either party will terminate the process. The procedure must always begin with the first step and continue until resolution is resolved. Skipping steps is not permissible.

- Step One:** Immediately bring the problem or grievance to the attention of your immediate supervisor and attempt to resolve it informally. Provide your supervisor with facts, dates, times, number of occurrences anything that can assist with a reasonable solution.
- Step Two:** If you are unable to resolve your problem or grievance informally, present it in writing to your immediate supervisor within ten (10) days of the occurrence. Include in your written response factual information that can be used to resolve the matter. Include dates, times, locations and any other important details. Additionally, include any suggestions for resolution to the problem or grievance. Your supervisor will respond in writing within ten (10) days of receipt of your response.
- Step Three:** If your problem or grievance is still not resolved to your satisfaction with the conclusion of step two, present it in writing to the City or any member of management other than your immediate supervisor within fifteen (15) days. The City or other member of management will then have fifteen (15) days to review and respond to the matter with a written conclusion.
- Step Four:** If your problem or grievance is still not resolved to your satisfaction with the conclusion of step three, within fifteen (15) days, present in writing to the Director of Human Resources your request for a review panel hearing. This panel will consist of five individuals; yourself and a current employee of the

business, of your choosing, the Director of Human Resources for Avitus Group, or their designee, and two agreed upon business designees. The business designees may include additional employees, supervisors or members of management. A designee cannot be an individual involved in previous steps of this procedure.

This panel will convene within fifteen (15) days of your request to hear the facts of the grievance or problem. The panel will hear facts, consider supporting documentation and issue a final written conclusion to the procedure.

Employment

Employee Classifications

Employees will be classified as full-time or part-time. Following the completion of the benefit waiting period, Employees may be eligible for Employee benefits as defined by the benefit plan policy.

New Employees

New Employees will complete an informal orientation session with the Department Head, Mayor, Clerk/Treasurer and/or their designee. The Employee will have the opportunity to complete necessary employment forms required by Federal and State Statutes, as well as payroll and withholding information. The Department Head, Mayor, Clerk/Treasurer and/or their designee will explain in general terms the rules and expectations and provide an overview of the pay and benefit packages offered by the City. The Employee will be responsible for reading and following the policies established within the Personnel Policy Manual.

Full-Time Employees

Full-time Employees are those who are scheduled for and do work 40 or more hours per week. Following the completion of the Probationary Employment Period, full-time Employees may be eligible for Employee benefits.

Full-Time Contract Employees

A full-time Employee whose term of employment and conditions of employment are contained in a written Employment Contract that is negotiated by the Mayor and approved by the City Council.

Part-Time Employees

Part-time Employees are those who are scheduled for and do work fewer than 40 hours per week. Part-time Employees may be eligible for benefits.

Temporary Employment

A temporary Employee is one who works on a regular or irregular basis, for a specified period of time, not to exceed twelve (12) months, and whose employment is terminated at the end of the work period. Temporary Employees do not have priority over outside applicants to regular full-time positions, but are invited to apply for regular full-time positions as appropriate. A temporary Employee may be eligible for limited benefits after completion of the qualifying period. See the Office of City Clerk/Treasurer for details.

Short-Term Employment

A short-term Employee is one who works for short periods of time, not to exceed ninety (90) days in any continuous twelve (12) month period and is not eligible to earn leave, holiday, or group insurance benefits. Short-term Employees do not have priority over outside applicants to fill regular full-time positions, but are invited to apply for regular full-time positions as appropriate.

Seasonal Employment

A seasonal Employee is one who performs work interrupted by seasons and may be recalled without loss of rights and benefits accrued in the previous season. A seasonal Employee may be eligible for limited benefits after completion of the qualifying period. See the Office of City Clerk/Treasurer for details.

Contract for Service

Contract for Service involves those who work for the City pursuant to an employment contract or on an independent contract basis. Work assignments, responsibilities, and payment are all identified in the contract. Please be advised that Independent Contractors are not considered Employees of the City of Laurel and receive no Employee benefits and must show independent contractor registration and proof of insurance, including liability, unemployment, and workers' compensation coverage.

Volunteers

Volunteers involve those on the roster of the Laurel Volunteer Fire Department and Laurel Volunteer Ambulance Service as volunteers, and shall include other volunteers, on the roster as volunteers, for any other department of the City.

Hours of Work

The normal workday hours and workweek may vary from Employee to Employee. Work periods may vary from assignment to assignment and may require overtime. Each non-exempt Employee is required to know their work schedule and be in attendance as assigned. Exempt Employees are expected to meet the requirements of their job, which may necessitate varied hours of work.

Work Schedules

Your supervisor will assign your individual work schedule. Failure to observe work schedules, including any assigned rest and lunch periods, is not permitted. All Employees are expected to be at their desks or workstations at the start of their scheduled shifts, ready to work. Employees are expected to work all of their scheduled hours. Leaving work for any reason during normal working hours without permission may be considered job abandonment.

Tardiness

Reporting to work on time is required. "On-time" is defined as being properly dressed, being at your assigned work station and being prepared to begin work at the start of the scheduled work period. Anytime you are absent or late it impacts the City's operation and places an

additional burden on your coworkers. Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when they are required to leave on City business. Sleeping or malingering on the job is not permissible. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided.

Attendance / Absenteeism

Regular attendance is required. If you are unable to report for work on any particular day, you must personally contact your supervisor prior to your scheduled shift. In all cases of absences or tardiness, Employees must provide their supervisor with an honest reason or explanation. Employees must also inform their supervisor of the expected duration of any late arrival and/or absence. Failure to notify a supervisor when unable to report to work may result in disciplinary action, up to and including termination.

If you are going to be absent for more than one day and are not on an approved leave of absence, you are required to contact your immediate supervisor each day prior to the start of your shift to inform him/her of your status. Additionally, if you are absent due to illness, your supervisor may request that you provide a physician's statement verifying your illness. Failure to provide a physician's certificate when requested or required to do so, excessive absenteeism (excused or not) and/or irregular attendance may be grounds for discipline, up to and including termination of employment. Each situation of excessive absenteeism or tardiness shall be evaluated on a case-by-case basis. However, even one unexcused absence may be considered excessive, depending on the circumstance. There is no compensation for an unexcused absence or tardiness for non-exempt Employees.

Voluntary termination results when an Employee voluntarily resigns his or her employment, or fails to report to work without notice to, or approval by, his or her supervisor. All City-owned property, including vehicles, keys, uniforms, identification badges, and credit cards, must be returned immediately upon termination of employment.

Meals and Rest Periods

There is no Federal or State law requiring employers to furnish Employees with breaks. Breaks, when available, are considered a benefit to the Employee and availability is dependent upon work demands. All breaks may require prior Supervisor approval, are no longer than fifteen minutes in length, may be taken twice (once in the morning and once in the afternoon) during your shift, and are compensated. Each Employee who works more than a six (6) hour shift is provided with an unpaid lunch break.

Employees are requested to take their entire allotted time and cannot return early unless requested to do so by management. If the Employee is requested to return from a scheduled meal break, the Employee shall be compensated according to wage and hour laws.

*Does not apply to volunteers

Job Duties

You will be trained on your job responsibilities and the performance standards expected of you. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects, or to assist with other work necessary or important to the operation of the City.

Your cooperation and assistance in performing such additional work is expected. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management or the use of abusive or threatening language toward a supervisor or member of management, will not be tolerated.

The City reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

Reductions in Force

Under some circumstances, the City may need to restructure or reduce its workforce. If restructuring our operations or reducing the number of Employees becomes necessary, the City will attempt to provide advance notice, if possible, to help prepare affected individuals. If possible, Employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

In determining which Employees will be subject to layoff, the City will take into account, among other things, operation and requirements, the skill, productivity, ability, and past performance of those involved, and also, when feasible, the Employee's length of service.

Discipline

(Bargained employees; See applicable Collective Bargaining Agreement for Discipline)

Discipline is at the discretion of the City and shall be decided on a case-by-case basis. If you disagree with any disciplinary action, you are required to follow the internal grievance procedure.

The Employee may be subject to disciplinary action upon suspected violation of: Federal, State or local laws; the City of Laurel's rules and/or policies and guidelines; and/or employee conduct/behavior/performance standards. In most cases, the Supervisor of the Employee in question shall notify their Department Head and/or Mayor or their designee. The Department Head and/or Supervisor may be tasked to evaluate and document situations that may require disciplinary action. Employees may be suspended (with or without pay) pending investigation. The Employee may be interviewed during the investigation process.

The Supervisor, Department Head and/or Mayor and/or their designee, as well as the Employee may request an attendee to accompany them in the interview, if desired. The attendee, however, will be permitted for observation only and will not be permitted to participate in the interview.

Upon conclusion of the investigation, it may be decided whether or not discipline needs to occur. The Department Head and/or Supervisor may inform the Employee of the results of the investigation. If deemed necessary, a City representative shall be present to document the meeting. During the meeting, the Employee will have the opportunity to respond to the policy breach and/or performance/behavioral issue. Upon completion of the meeting, the Department Head and/or Supervisor may document that the meeting process has been completed, stating the findings and declaring the appropriate form of discipline as determined by the City of Laurel on the Corrective Action form. One copy may be provided to the Employee, and one to the Employee's personnel file.

If the Employee does not agree that the discipline was warranted or if they consider the disciplinary action inappropriate, the Employee may follow the grievance procedure.

Personal Information

For accurate administration of your wages and benefits, and for compliance with Federal and State regulations, it is necessary that current and accurate personnel records be maintained. This information is also necessary in the event you must be reached for an emergency or available work. If there are changes, or if you observe any errors in your personnel records, please notify your supervisor immediately. Please report any of the following changes as they occur:

- Name
- Address
- Telephone number
- Marital status
- Number of dependents
- Education (courses completed and other training or skills required)
- Selective service status
- Emergency contact person(s)

Personnel Records

You have a right to inspect certain documents in your personnel file, as provided by law, in the presence of an authorized City representative at a mutually convenient time. No copies of documents in your file may be made, with the exception of documents that you have previously signed.

The City will restrict disclosure of your personnel file to authorized individuals within the City. Any request for information contained in personnel files must be directed to the Chief Administrative Officer. Disclosure of personnel information to outside sources will be limited. However, the City will cooperate with requests from authorized law enforcement or local, State, or Federal agencies conducting official investigations and as otherwise legally required. Falsification of any employment records, personnel information, or employment information is cause for termination.

Employee References

All requests for references should be directed to the management of the City. By policy, the City discloses only the dates of employment and the last position held. If you authorize the disclosure in writing, the City also will inform prospective employers of the amount of salary or wage you last earned.

Employment of Relatives and Personal Relationships

The City wants to ensure that City practices do not create situations such as conflict of interest or favoritism. This extends to practices that involve Employee hiring, promotions and transfers. Close relatives, partners, those in a dating relationship or members of the same household may not be permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-

law, mother-in-law, grandfather, grandmother, son, son-in-law, daughter, daughter-in law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins and domestic partner relatives.

If Employees begin a dating relationship or become relatives, partners or members of the same household and if one party is in a supervisory position, that person is required to inform management of the relationship. Employees who become immediate family members or establish a romantic relationship may continue employment as long as it does not have the potential for creating an adverse impact on work performance or create either an actual conflict of interest or the appearance of a conflict of interest.

If the potential for creating an adverse impact on work performance or creating either an actual conflict of interest or the appearance of a conflict of interest does occur, attempts will be made to find a suitable position within the City to which one of the Employees will transfer. If Employees become immediate family members or establish a romantic relationship, the City will make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security or morale. If accommodations of this nature are not feasible, the Employees will be permitted to determine which of them will resign. If the Employees cannot make a decision, the City will decide at its sole discretion which Employee will remain in their current position.

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

Standards of Conduct

Honesty/Ethics Policy

All Employees are expected to contribute to the success of the City by performing their jobs as required and conducting themselves in a professional manner.

Regardless of whether or not it is job related, Employee honesty and integrity are essential to ethical business practices. Employees are required to prepare all reports, including expense reports and time cards, accurately and truthfully. Clocking in/out or modification of timecards other than your own is strictly prohibited.

Except for special circumstances, Employees are prohibited from remaining on City premises or making use of

City facilities while not on duty.

Misuse of the City's property, time, materials, or facilities during work time or while not on duty, including the City's equipment, City records, customer lists, supplies, e-mail, internet, and computer and voicemail systems, for your personal convenience, profit or non-profit organizations, can constitute unethical conduct. These tools and resources are intended to assist Employees in conducting legitimate City business, and any other use of such property is discouraged. It is also prohibited for you to take advantage in this manner of outside individuals or organizations doing business, or seeking business, with your employer unless you have written permission from the City.

Unacceptable conduct that is considered detrimental to the City's best interests, such as fraud or a breach of trust, may result in immediate disciplinary action, up to and including termination of employment.

Employee Dress and Appearance

The City of Laurel is proud of its public image and strives to maintain the high standards for which we are known. Each Employee reflects the image of the City and, therefore, is required to wear what the City deems to be suitable attire for the particular assignment of the Employee. Assigned dress shall be kept clean, neat and in good repair, and must be worn while on duty. This may include the wearing of safety clothing or shoes. We hope you will share our pride in your City. Accordingly, the following policy has been established for our Employees.

Employee Dress Code

Clothing and professional appearances are important and help create the first impression to our customers and the community. As an Employee of the City of Laurel, you represent our city to all visitors, clients, and coworkers. Therefore, your appearance and demeanor should reflect this objective at all times.

Because we recognize the standards that govern acceptable attire for the City of Laurel, we have created this dress code policy to assure safe working conditions.

Dress guidelines are as follows:

- Employees are expected to be neatly dressed in appropriate attire for their position.

- All clothing should be in good repair, clean and free from holes, stains, rips, tears, patches, artwork, and slogans.
- For safety purposes, Employees are expected to follow OSHA guidelines related to dress, shoes and safety equipment.
- Shoes must be worn at all times while on duty.
- Good personal hygiene and personal habits are very important. Body cleanliness is a must.
- No Employees will be permitted to wear unnatural hair colors (blue, green, pink, etc.)
- Tattoos, body jewelry, and body piercings are not to be visible during work hours.
- Hair should be clean, combed, and neatly trimmed, tied, covered or arranged. Shaggy, unkempt hair is not permissible regardless of length.
- Sideburns, moustaches, and beards should be neatly trimmed.

Examples of unacceptable attire:

- Clothing that is worn, torn, or frayed.
- Clothing that contains patches, holes, artwork, and slogans.
- Sweat clothing or workout attire such as sweat shirts, sweat pants, leotards, tights, and jogging suits.
- Bare feet.
- Bathing suits.
- Shirts, blouses and tops that expose a bare midriff.
- Mini-dresses and mini-skirts of all types.
- Halter and bra tops.
- Sheer or see-through clothing.
- Muscle shirts.
- Undergarments worn as outer garments.

The initial response to an Employee's dress that does not comply with the standards will be to discuss the matter with the Employee. This dress code will remain in effect for the duration of your employment with the City of Laurel, unless relaxed by management, for seasonal reasons or specific functions. The City of Laurel reserves the right to interpret and apply this dress code with respect to Employee attire and professional appearance. Employees who do not follow this policy may be subject to disciplinary action up to and including termination of employment.

Theft

Stealing from the City, from other Employees or from City residents will not be tolerated by the City. City materials may not be removed from City premises without management approval. The City reserves the right to define "City materials" in specific instances, but generally, if it does not belong to you, leave it alone. Stealing may be grounds for immediate termination and may cause the City to bring criminal charges against you.

Conflict of Interest and Outside Employment

Due to the nature of the business and the professional liability that may accrue, you must give your primary attention to your assigned job position. You may not be permitted to work, own or acquire, directly or indirectly, a substantial beneficial interest in any concern you have reason to believe may supply goods or services to, or purchases from, or compete at any other job or in any other business during your employment. If there are business dealings that appear to create a conflict between the interests of an employer and an Employee, it will be deemed unacceptable.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to the Mayor or their designee explaining the details of the additional employment. If the additional employment is authorized, the City assumes no responsibility for it. The City shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

Political Activity

Certain statutory restrictions as to political activity pertain to Police Officers while on duty or in uniform. Employees of a department, which is financed in whole or in part by Federal funds, are subject to the provisions of the Hatch Act. See the City Clerk/Treasurer for a copy of the applicable statutory requirements and The Hatch Act and its provisions.

Lawsuits

When an Employee is approached by a legal process server, they should refer the server to the Mayor and/or their designee or to the City Attorney. Should an authority not be available and the Employee is required to accept served papers, it is the Employee's priority to locate and forward the information to either of the authorities listed without opening or reading the documents. No Employee shall discuss aspects of any legal situation that is subject to or is currently involved in a lawsuit or hearing without first consulting with the Mayor and/or their designee or the City Attorney.

News

If an Employee is approached for a press release, news story or news quote, refer all contacts to the Employee's Department Head. If the news topic relates to a legal issue or case in progress, refer all contacts to the Mayor and/or their designee.

Community Relations

To preserve and foster the public's trust and confidence in the City, it is imperative that all Employees act with complete honesty and fairness. Employees are expected to be knowledgeable about their job and applicable laws and regulations pertaining to their job. Whenever you have a question relating to applicable laws or regulations, you should seek out appropriate advice before acting.

In dealing with the public, Employees are expected to exercise good judgment and common sense. Commitments to others should be made only if such commitments can realistically be

met. In this regard, the products and services of the City should be presented accurately and fairly.

You should always be mindful of the position of your employer in the community. Good reputation and success requires continuing adherence to high standards.

- All Employees are required to refrain from using abusive language, slang, profanity and/or offensive remarks concerning age, sex, race, religion, marital status, disability, national origin and sexual orientation.
- Each Employee reflects the image of the employer and is required to wear suitable attire. Wearing disturbing, unprofessional or inappropriate styles of dress or hair while working is not permitted.
- All Employees must maintain personal grooming habits that reflect a presentable image for themselves and the City.
- All Employees are required to refrain from fighting, threats of violence or physical assault (whether serious or playful) on or with a customer or coworker. Participating in horseplay or practical jokes, causing, creating, or participating in a disruption of any kind on City time or on City property is prohibited. Violation of any safety, health, security or City policy, rule, or procedure is cause for disciplinary action up to and including termination.

If you should become aware of actual or potential problems in any area of the business of the City, you are expected to inform your supervisor immediately. If you are aware of improvements to policies, procedures, products and/or possible business opportunities that will contribute to customer satisfaction and enhance the City, you are urged to bring those improvements to the attention of your supervisor.

Participation in Community Organizations

The City views personal development through service involvement as beneficial to the Employee, as well as positive exposure for the City of Laurel. Employees should consult with their Supervisor, the Mayor and/or the CAO before volunteering for such organization if work time may be required to attend activities, fundraisers, meetings, etc. Employees that have received pre-authorization from their Supervisor, the Mayor and/or their designee may attend such functions as excused, paid absence without using vacation leave. The Employee's Supervisor, the Mayor and/or their 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.

Participation in Professional Organizations

The City views personal development through professional organizations as essential to keep 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.

Employees are encouraged to pursue professional organization affiliations that represent a positive effect in the community, organization or community. Employees should consult with the Mayor, Department Head and/or their designee before joining such organization if work time may be required to attend activities, training, meetings, etc. Employees that have received pre-authorization from their Supervisor, the Mayor and/or their designee may attend

such functions as excused, paid absence without using vacation leave. The Employee's Supervisor, the Mayor and/or their 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.

The City recognizes that Employees that associate with various organizations or maintain certifications or licenses are beneficial to the operation of the City. If the City has requested that an Employee obtain a license, the City will pay for the licensing fees and/or annual renewal fees.

All Employees are encouraged to visit with their Supervisor and/or Mayor and/or their designee, particularly during their interaction with their supervisor, so that the cost of maintaining a current license or the costs for a licensure that the Employee would like to obtain can be included within the budget process.

Parking

City provided parking spaces are available to all City Employees. The City of Laurel assumes no liability for theft or damage to your vehicle while parked on City property.

Vehicle Usage

Any Employee who operates a motor vehicle on behalf of the City is held strictly responsible for compliance with City Policy and all traffic regulations of the City, County, or State, including but not limited to speed and/or parking restrictions and use of seatbelts. No driver of any vehicle or machinery of the City shall operate such equipment without the proper valid license or certification. Driving or operating machinery under the influence of alcohol, illegal drugs, or over the counter medication that can alter driving ability is absolutely not tolerated and constitutes grounds for discipline, up to and including termination. City-owned, or leased, equipment shall be used for City business purposes only. Employees shall not permit members of family or others to travel in City-owned equipment unless: 1) they are specifically authorized in advance by the Mayor and/or their designee; or 2) those transported are performing City business as part of his/her employment.

All City Employees that drive City vehicles classified as "Qualified non-personal-use vehicles," as defined in IRS Publication No. 15-B, will not be taxed for the "personal" use of the vehicle. Those City Employees that drive City vehicles that do not qualify under this IRS Publication as "Qualified non-personal-use vehicles," are subject to taxation on the "personal" use of the vehicle. "Personal Use" is defined as home to work, work to home and any other non-business use.

Where applicable, any Employee required to maintain a valid motor vehicle operator's license as a mandatory job requirement shall continue to maintain the proper class operator's license as a condition of their employment.

The City will pay for any physical examination required for a CDL renewal; the Employee shall pay for his or her own license renewal, unless otherwise provided for Bargained Employees in their respective CBA.

Employees using City-owned vehicles are expected to use the same care, or better than, they would in taking care of their own vehicles. This includes following all traffic regulations and courtesies of the road.

City Employees are expected to set an example of good driving practices for all other citizens.

1. Employees are prohibited from keeping a City vehicle at their private residence under normal circumstances. The Mayor/CAO has designated certain positions, which as a part of the job, must have a City-owned vehicle available at all times in case of emergency. The Mayor/CAO may, at times, approve other Employees to keep City vehicles at their residence. Employees with such assigned vehicles (K-9 Police Officers are exceptions) will be required to report all personal mileage (commuting to and from work, personal errands, etc.) at the end of each year to the Clerk/Treasurer's office. Personal mileage will be reported as income as required by the IRS.
2. Employees are to use City-owned vehicles whenever possible. Use a City vehicle when it is necessary to travel for business or run business errands.
3. Care of City-owned vehicle: Follow the maintenance schedule of the department. Practice the rules of the road and established safety practices at all times. Any abuse of a City-owned vehicle when in your possession may result in disciplinary action.
4. All City Employees are required to secure seat belts while driving or riding in City-owned vehicles.
5. Using a City-owned vehicle for personal convenience is prohibited and will result in disciplinary action.
6. Employees who operate City vehicles are prohibited from using cell phones while driving, whether for personal or business use, unless a hands-free device is being utilized.
7. Employees driving a City-owned vehicle or driving a personal vehicle for City business are personally responsible for moving and parking violations. There are no circumstances under which the City will pay for such violations.
8. An Employee involved in an accident while driving a motor vehicle on City business, whether City-owned or privately owned vehicle, shall report the accident immediately to the nearest Police Department and to the Employee's supervisor immediately, if possible, but no later than the next working day. Supervisors are to notify the CAO as soon as they are made aware of the accident.

Reporting Accident or Injury

When an Employee is involved in a motor vehicle accident with a City vehicle, the Employee must notify the supervisor immediately. The supervisor shall immediately notify the CAO. The Employee should detail, in writing, the accident and situations leading up to the accident. If the accident occurred on a City street or on public property, the law enforcement agency with jurisdiction should be contacted to complete an investigation of the accident. Employees must cooperate and are permitted to discuss the incident with appropriate agents of the City, including insurance adjusters.

Upon return to the City office, an account of the accident should be provided in writing to the supervisor immediately. The Employee may also be asked to assist with completing the necessary forms for insurance claims. The supervisor, or designee, shall complete an investigation of the facts and situations of the accident to determine if disciplinary measures are warranted. Accidents where the City Employee was driving or operating machinery under the influence of alcohol or illegal drugs (which is absolutely prohibited) will constitute

grounds for discipline, up to and including immediate termination. The City Employee that was operating the vehicle involved in the accident shall immediately be drug tested.

Workplace Safety

(Bargained Employees: See applicable Collective Bargaining Agreement)

Safety is every Employee's business. The safety and health of each Employee and citizen is of primary importance. It is the responsibility of all Employees to follow all safety rules and procedures, and promptly report all accidents, near misses, or any safety hazard of which you become aware. (See the City of Laurel Safety Program.) The City of Laurel has appointed a Safety Officer to ensure compliance with the Montana Safety Culture Act and to review all safety issues, accidents, and incidences, including any reported safety hazards or improper use of equipment. The City Safety Committee shall, as a minimum, comprise a representative from each department of the City. The Committee shall meet quarterly or as needed.

Safety and warning signs posted upon City property or equipment, upon private property, or upon other public property must be observed at all times. Each Employee is to wear and/or use safety equipment furnished, including the use of seat belts, hand, eye, and body protection gear as appropriate. Failure to comply with safety signs, safety manuals, safety rules or procedures, or the use of safety equipment, may be sufficient cause for disciplinary action.

The City is committed to safety in all areas of the organization and our goals are to provide a safe and healthful working environment and to ensure that Employees comply with occupational safety and health standards and all rules, regulations and orders which are applicable to their own actions and conduct.

We believe that safety must function as an integral part of, and in no manner separated from, the operation of the City. In recognition of this and in the interest of prudent management practices, our goal is to:

- Maintain a safe and healthful working environment.
- Consistently adhere to proper operating practices and procedures which are designed to prevent injury, illness and loss of assets.
- Comply with the requirements of Federal, State and local safety and health codes to insure the well-being and safety of all Employees.

In order to achieve these goals, Employees shall receive training on the use of equipment, proper and safe operating procedures and site/task specific job functions. Periodic safety training sessions and inspections shall be conducted to maintain Employee awareness.

All Employees are responsible for exercising maximum care and good judgment and shall comply with established procedures in operating safely and preventing accidents. Unsafe conditions, equipment or practices shall be reported to the Supervisor immediately. Each Employee is expected to abide by all safety rules and procedures and shall wear any and all personal protective equipment required and provided by the Employer.

Our safety rules have been written with you in mind. Please follow the rules and help your City ensure a safe working environment.

Safety Data Sheets

All locations must have Safety Data Sheets (SDS) for each chemical in use at that location. You are required to be knowledgeable in their use in case of any possible health hazards and/or any emergency first aid procedures to follow. If the location is missing any SDS Sheets, notify your supervisor, who will obtain replacement copies.

Accident or Injury Reporting

If you are injured on the job, or involved in an accident involving the City's equipment, you **MUST REPORT THE ACCIDENT IMMEDIATELY** (on the same work shift) to be in compliance with the policies/procedures as set forth in the City Safety Manual.

Proper injury reporting includes a supervisor or Employee completing the "Employee Incident Report" and the injured Employee completing the WORKERS' COMPENSATION "FIRST REPORT OF INJURY". Supervisors are to assist the Employee in properly completing and mailing of all forms. Both forms can be obtained from your supervisor. These forms must be sent to or delivered to the City within 24 hours of the accident or injury. Failure to complete the proper forms on time may jeopardize workers' compensation insurance benefits and may result in injury expenses not being covered by insurance.

The City's workers' compensation insurance carrier will investigate accidents/injuries for legitimacy and cause.

This enables the City to eliminate fraudulent claims and to prevent future accidents and injuries.

Workers' Compensation

The Benefits Coordinator additionally is responsible to facilitate Department Heads in the administering of Workers' Compensation claims. Each Employee involved in any incident or who has an illness or injury on the job must report such incident and/or illness or injury **IMMEDIATELY** to their Supervisor/Department Head prior to the completion of their work shift. In their absence, the Employee must report such incident and/or illness or injury to the Coordinator. A failure on the part of the Employee to report such incident and/or illness or injury **IMMEDIATELY** may lead to disciplinary action up to and including termination and may cause a delay or denial of their claim. The Benefits Coordinator will require a complete report to be given by the involved Employee and Department Head within seventy-two (72) hours and cause such reports to be forwarded to the appropriate officials.

- a) If an Employee is receiving Workers' Compensation benefits resulting from an injury incurred while employed with the City, the following shall apply: (see Labor Agreement for exceptions).
- b) If the Employee had been eligible for the City's group health insurance and had been in the group prior to the injury, the City will pay the City's portion of any contribution toward the individual's premium for up to three (3) months;

(See Family and Medical Leave Act provisions. An Employee will be notified when such injury qualifies to be included in coverage of the Family and Medical Leave. If such is qualified, Family and Medical Leave will run simultaneously with the Workers' Compensation leave.)

- c) Benefits, i.e., health, LTD, STD, etc., will be coordinated in conjunction with FMLA and plan documents.
- d) If the Employee is not able to return to full employment with the City after three (3) months and is still receiving Workers' Compensation benefits, the City shall review the Employee's status. The City may extend Employee's current status or designate the Employee inactive. If the Employee is designated inactive, the City shall notify him/her of his/her COBRA benefits.
- e) If the Employee is not able to return to full employment with the City after six (6) months and is still receiving Workers' Compensation benefits, the City shall designate the Employee inactive and notified of his/her COBRA benefits.

* This section does not apply to volunteers.

Early Return to Work

The City is committed to "early return to work" for Employees who have been ill or injured. Please discuss "early return to work" with your Supervisor.

Visitors

On occasion, visitors may be required to visit an Employee. Personal visitors at work shall be limited to situations of necessity. Employees are asked to consult with the job site supervisor in the event an emergency necessitates a visit.

In no case shall a personal visitor interfere with the fulfilling of your work assignments or the work assignments of other Employees. Excessive interruptions by visitors may be grounds for disciplinary action, including termination.

Weapons

Possession of firearms, handguns, or any other dangerous weapons or materials while performing job duties or while on employer's premises is prohibited unless directed by the City or State laws. Violation of this policy may lead to suspension or termination.

Arrests (Reporting of)

All arrests or summons for legal violations while on City business and/or while operating City equipment must be reported immediately to your supervisor.

Abuse / Violence

The City mandates a "zero tolerance for violence". It is specifically emphasized that violent acts or incidents in any form are expressly prohibited. Each Employee has a responsibility to help prevent violence by reporting what they see in the workplace that could be interpreted as a violent or abusive act or incident. A violent act or incident is defined as, "any action or behavior that can be viewed as ill treatment or abuse towards another." A violent act includes provoking a fight or fighting during working hours or on City property, physically harming another, shouting, shoving, bullying, pushing, harassment, abusive language, intimidation, coercion, brandishing weapons, physical or verbal threats.

Prompt and accurate reporting of all violent acts or incidents, whether or not physical injury has occurred, is required. Any person witnessing a violent act or incident is responsible for immediately reporting the act or incident to their supervisor. Any violent act by an Employee will result in immediate discipline and/or termination.

Smoking/Smokeless Tobacco

The City of Laurel supports a non-smoking environment. Smoking shall be on the Employee's time during any scheduled breaks or meal periods and away from the building. Cigarette butts, papers or any other related items need to be disposed of in the proper containers. Smoking is not allowed on City premises or in City vehicles or equipment. Respectful use and disposal of smokeless tobacco and chewing gum is permitted.

Alcohol / Drugs

Purpose

The purpose of this policy is to assure worker fitness for duty and to protect Employees, and the public from the risks posed by Employee's use of alcohol and controlled substances. In accordance with the Federal Drug-Free Workplace Act, it is the City of Laurel's intent to maintain a workplace environment free from illegal drugs. Persons under the influence of alcohol and/or drugs pose serious, often life threatening, safety and health risks, not only to themselves, but also to others. Employees are hereby notified that compliance with this policy is a condition of employment. Employees who fail to comply with this statement will be subject to disciplinary action up to, and including, termination. Employees with alcohol and/or substance abuse problems are urged to utilize the Employee Assistance Program which is a benefit provided by the City of Laurel.

Policy

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on any work site and during all working hours by Employees. Employees who fail to comply with this statement will be subject to disciplinary action up to, and including, termination. Employees shall notify their employer of any criminal drug and/or alcohol conviction for a *workplace* violation within five (5) days.

Appropriate disciplinary action will then be pursued by the employer. The Employee may be offered the opportunity to participate in the Employee Assistance Program. No Employee will be allowed to perform job duties when impaired or under the influence of mind altering drugs, illegal drugs and/or alcohol during working hours. An Employee's refusal to be tested may be considered cause for dismissal.

The methods which will implement this policy shall include, but are not limited to, the following:

- a. Pre-employment testing for drugs and alcohol of all Employees required to have a commercial driver's license to include any driver on Federal or State highways.
- b. Any Transit Bus Drivers and Dispatchers
- c. Any trash collection and disposal Employees
- d. All Police Officers, Dispatchers, Detectives, Sergeants and their immediate supervisors

- e. All Fire and Ambulance Employees
 - f. All Employees that maintain and operate the sewer plant and water plant or maintain the water/sewer lines.
 - g. Any employee that operates heavy machinery to include Maintenance I, II and III and Seasonal Employees.
 - h. Any employee required to operate safety sensitive equipment such as fork lifts, bobcats, lawnmowers, etc., as it pertains to their job description.
 - i. Any employee that has a fiduciary responsibility and is able to transfer funds or sign warrants/checks for the City.
 - j. Any Employee that supervises any of the above class of participants
- The City may test any of the prospective Employee listed in the testable class as a condition of hire. Should a pre-employment test comes back positive, the City has the right to disqualify that person without cause.
 - The City may test for drugs and alcohol of all current testable Employees for probable cause when determined by two (2) trained supervisors (Reasonable Suspicion).
 - Post-accident testing for alcohol and drugs conducted after accidents on drivers whose performance could have contributed to the accident and for all fatal accidents even if the driver is not cited for a moving traffic violation.
 - Random testing for drugs and alcohol conducted on a random unannounced basis just before, during, or just after performance of safety sensitive functions. Random testing will be conducted on all Employees required to have a CDL.
 - Return-to-duty and follow-up testing for drugs and alcohol when an individual who has violated the prohibited substance conduct standards returns to performing safety sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an individual returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.

An Employee's refusal to be tested may be considered cause for termination.

Prohibited Substances

1. Illegal Drugs and Controlled Substance

Any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), also found in Appendix D of the Federal Motor Carrier Safety Regulations. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.

2. Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought, as appropriate, before performing a safety-sensitive function. A legally prescribed drug means that an individual has a prescription or other written approval from a physician for

the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, dosage, and the period of authorization. The misuse or abuse of legal drugs is prohibited.

3. Alcohol

The use of beverages or substances containing alcohol including any medication such that alcohol is present in the body is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device (EBT).

Prohibited Conduct

"Prohibited Conduct" addressed by this policy includes the following:

1. Manufacturing, Trafficking, Possession, and Use

Any Employee engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances on company premises, in company vehicles, or while on company business will be subject to disciplinary action up to and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

2. Intoxication/Under the Influence

Any Employee performing, about to perform, or having just completed performing a safety-sensitive function, who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty, shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of a prohibited substance, who fail to pass a drug or alcohol test, shall be removed from duty and subject to disciplinary action, up to and including termination. A breath alcohol test must be administered by a certified breath alcohol technician with appropriated qualified Federal Register equipment. A breath alcohol concentration of greater than .04 must be obtained to consider alcohol in the Employee's body. A drug or alcohol test is considered positive if the individual is found to have a quantitative presence of a prohibited substance in the body above the minimum thresholds as defined in 49 CFR Part 40; or an Employee's refusal to test.

3. Alcohol Use

No Employee should report for duty, or remain on duty when their ability to perform assigned functions is adversely affected by alcohol or when their blood alcohol concentration is 0.02 or greater. No Employee shall use alcohol while on duty. No Employee shall have used alcohol within four hours of reporting for duty. Violations of these provisions are prohibited and punishable by disciplinary action up to and including termination.

4. Illegal Use

Illegal use includes use of any illegal drugs, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

Program Components

A urinalysis or other drug/alcohol test may be required, at the City's expense, where circumstances or work place conditions justify it and in conformance with applicable state law. Your consent to submit to such a test is required as a condition of employment.

1. Pre-Employment Screening - A positive drug test will disqualify an applicant for employment. Pre-employment testing is mandatory for all job positions requiring the operation of a commercial vehicle and safety sensitive positions.
2. Current Employees Testing for Impaired Performance (Reasonable Suspicion) - Reasonable suspicion determinations will be made by two managers or supervisors or a combination thereof, who detect the signs and/or symptoms of drug and/or alcohol use and who reasonably conclude that an Employee may be adversely affected or impaired in their work performance. If the Employee is not in one of the classes of testable individuals, the employee may be sent home and referred to a Substance Abuse Counselor.

Employees may be subject to a fitness for duty evaluation, to include appropriate urine and/or breathe testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the long or short-term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:

- a. Adequate documentation of unsatisfactory work performance or on the job behavior.
 - b. Physical signs and symptoms consistent with prohibited substance use.
 - c. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.
 - d. Occurrence of a serious or potentially serious accident that may have been caused by human error.
 - e. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.
3. Post-Accident - Testing is required when a fatality of any person involved in the accident or when the commercial driver (the Employee) is cited for a moving traffic violation of any kind and any involved vehicle requires towing from the scene or any person involved requires medical treatment away from the scene of the accident. When required, the Employee will be tested as soon as possible, but not to exceed eight hours for alcohol or up to 32 hours for drug testing. An Employee involved in an accident must refrain from alcohol use for eight hours following the accident or until they undergo a post-accident alcohol test. Any Employee who leaves the scene of the accident, without appropriate authorization prior to submission to drug and alcohol testing, will be considered to have refused the test and subject to disciplinary action including termination.
 4. Annual Random Unannounced Testing for Current Employees Who Hold a CDL - The Federal Highway Administration (FHWA) of the U.S. Department of Transportation has enacted 49 CFR Part 382 which mandates urine controlled substance testing and Breathalyzer alcohol testing for commercial vehicle operators and prevents performance of safety-sensitive functions when there is a positive test result as defined in the policy. The U.S. Department of Transportation (DOT) has also enacted 49 CFR Part 40, as amended that sets standards for the collection and testing of urine and breath specimens. The Montana Labor Code, Title 39, MCA, "Workforce Drug and Alcohol Testing Act" effective 10/15/97 allows for the additional testing of all Employees provided 49 CFR

Part 40 rule apply. This will be done using a scientifically proven method of selection at a rate of 50% annually for controlled substances and 10% percent annually for alcohol. These quotas will be spread out over a minimum of four (4) unannounced selections throughout the year.

5. Safety-Sensitive Function-As defined in Montana's "Work Force Drug & Alcohol Testing Act", this includes Employees who engage in the performance, supervision, or management of work in a hazardous work environment, commercial motor carriers, employees that use industrial and construction equipment any employee that handles safety sensitive materials, employees that are required to have a CDL, security position, position affecting public safety, a fiduciary position that has control over City finances or any supervisory or managerial employee that regulates a testable class of employees. A safety-sensitive function is defined in 49 CFR Part 382.107 as any of those on-duty functions that are set forth in 49 CFR, Part 395.2 On-Duty Time, paragraphs (1) through (6).

Federal Law will preempt any State Law when a contradictory substance abuse ruling is determined.

6. Testing Standards - Employees will be considered to have a positive test whenever the drug level exceeds limits established by the Federal Guidelines as determined by a physician trained as a Medical Review Officer in accordance with Department of Transportation regulations. (Refer to MCA 39-2-207(5) regarding an Employee or applicant's opportunity to provide notification to a Medical Review Officer of any medical information relevant to test results if positive.)
7. Return to Duty-Employees who previously tested positive on a drug or alcohol test must test negative and be evaluated and released to duty by a Substance Abuse Professional.
8. Follow-up-Any Employee who tested positive for drugs or alcohol will be subject to drug and/or alcohol testing upon their return to work. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an individual returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.
9. Split Sample-An Employee who questions the results of a required drug test may request that an additional test be conducted. This test may be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. The Employee pays for such testing unless the second test invalidates the original test. Then the City will pay all costs. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40. The Employee's request for a re-test must be made to the MRO within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the Employee.

Testing Procedures and Confidentiality

The City affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. Information obtained through testing that is unrelated to the use of a controlled substance or alcohol will be held in strict confidentiality by the medical review officer and may not be released to the employer. All testing results will be held confidential to anyone except the tested Employee, the designated representative of the city

and any legal/administrative position which the incident created and accident or property damage in excess of \$1,500. (See MCA 39-2-211)

Analytical urine drug testing and breathe testing for alcohol may be conducted as required by Federal and State regulations. All applicable Employees shall be subject to testing prior to employment, randomly (unannounced basis) for reasonable suspicions, and following a commercial motor vehicle accident. Employees will be tested prior to and after returning to duty following a positive drug or alcohol test.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved by the U.S. Department of Health and Human Services (DHHS). All collection and testing will be conducted consistent with the procedures put forth in 49 CFR Part 40.

All required testing will be done through urinalysis or breathalyzer testing unless the results are positive, at which time the City may, at their discretion, require further testing.

The urine sample will be tested for marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each specimen. For those specimens that are not negative, a confirmatory gas Chromatography/Mass Spectrometry (GC/ms) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40.

Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). Alcohol screening tests may be performed using a non-evidential alcohol-screening device approved by NHTSA and operated by a screening test technician (STT). Any positive alcohol screen will be confirmed using an EBT. Employees are subject to alcohol testing four hours prior to work, while on call, while performing or immediately following performance of work duties. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. An Employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from duty for a minimum of 24 hours. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and subject to sanction up to and including termination. A positive drug and/or alcohol test will also result in disciplinary action up to and including termination.

ANY EMPLOYEE WHO HAS A CONFIRMED POSITIVE DRUG OR ALCOHOL TEST (GREATER THAN 0.04) MUST BE EVALUATED BY A SUBSTANCE ABUSE PROFESSIONAL (SAP) AND WILL BE REMOVED FROM DUTY.

Testing Compliance

Any Employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, altering, adulteration, or substitution shall be removed from duty immediately and subject to disciplinary action, up to and including termination. Refusal can include an inability to provide adequate specimen or breathe sample without a valid medical explanation as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

Employment Assessment

Any Employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40 will be evaluated by a Substance Abuse

Professional (SAP). A SAP is a licensed physical psychologist, social worker, Employee assistance professional, or addiction counselor with knowledge of any clinical experience in the diagnosis and treatment of alcohol related disorders. The SAP will evaluate each Employee to determine what assistance, if any, the Employee needs in resolving problems associated with prohibited substance abuse or misuse. Assistance by a SAP does not shield an Employee from disciplinary action or guarantee employment or reinstatement with this company.

If an Employee is allowed to return to duty to perform safety sensitive functions, they must properly follow the rehabilitation program prescribed by the SAP, must pass "return to duty" drug and alcohol tests, and be subject to unannounced follow up tests for a period of up to five years. The cost of any treatment of rehabilitation services will be paid directly by the Employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

Referral to Employee Assistance Program

When an Employee receives a positive test, the Employee will immediately be suspended. Following this suspension, the City will review the Employee's past record of performance. Employees with satisfactory performance records will be referred to the City's Employee Assistance Program. Employees with unsatisfactory past performance records may be referred to the City's Employee Assistance Program or terminated at the discretion of the City. If the Employee is admitted to, or referred to, a patient treatment addiction program, the Employee must successfully complete the program as a condition of continued employment at the Employee's own expense. Unsatisfactory past performance will include previous positive drug and/or alcohol testing or documented deficient behavior. In regards to an employee that tests positive, the City, in addition to disciplinary sanctions, may require the employee to participate in a drug or alcohol counseling program.

Supervisor Responsibility

The City is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

Information

Employees may request information concerning the effects of alcohol and controlled substances on an Employee's health, work, and personal life; signs and symptoms of a problem; and rehabilitation.

Copies of 49 CFR Part 40 and Montana's Workforce Drug & Alcohol Testing Act are available for review from The City.

Medical Marijuana

The City of Laurel prohibits the possession, use and/or sale of all drugs classified as illegal under state or federal law. Although Montana state law permits the use of medical marijuana, i.e., use by persons possessing lawfully issued medical marijuana cards, federal laws prohibit marijuana use, possession and/or cultivation. As a consequence, the City of Laurel prohibits the use, sale, possession or cultivation of marijuana for medical purposes. Accordingly,

pursuant to §50-46-205(2)(b), Montana Code Annotated, the City does not permit or accommodate the medical use of marijuana in the workplace.

The City will endeavor to regularly educate employees on the health and workplace safety risks associated with the use of controlled substances and alcohol.

Operational Considerations

Housekeeping

You are responsible for good housekeeping practices and for keeping your assigned work area clean. Good housekeeping is essential to a safe, clean and pleasant work atmosphere and includes proper disposal of trash or waste materials.

Breastfeeding Policy

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

Bulletin Boards

Bulletin boards may be used to provide various types of information that pertain directly to you and your job, including benefits, work schedules, business information and special notices. It is your responsibility to read the information that may be posted. Certain information changes frequently and you should check the bulletin board on a routine basis.

Only authorized personnel may be permitted to approve the posting and/or removal of notices and information. The posting or removal of information by anyone other than authorized personnel is not permitted.

Solicitation and Distribution of Literature

In order to ensure efficient operation of the City's business and to prevent disruption to Employees, the City has established control of solicitations and distribution of literature on City property. The City has enacted rules applicable to all Employees governing solicitation, distribution of written material, and entry onto the premises and work areas. All Employees are expected to comply strictly with these rules. Any Employee who is in doubt concerning the application of these rules should consult with his or her supervisor.

No Employee shall solicit or promote support for any cause or organization during his or her working time, or during the working time of the Employee or Employees at whom such activity is directed.

No Employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the Employee or Employees at whom such activity is directed.

Under no circumstances will non-Employees be permitted to solicit or to distribute written material for any purpose on City property.

City Equipment

Damage or needed repair of the City's equipment must be reported immediately to your department head. Removing or borrowing City property without prior authorization, theft and deliberate or careless damage or destruction of any City property or the property of any Employee or customer is cause for disciplinary action.

Telephone / Equipment Usage

The telephone and other City equipment are furnished for the operation of the business. Telephone use for personal calls shall be kept to a minimum. Excessive making or accepting of personal telephone calls during working hours, except in cases of emergency, are cause for disciplinary action up to and including termination.

No personal long distance calls are to be made and charged to the City unless authorized by your supervisor. No personal use of other City equipment is permitted without prior approval by management.

Cell Phones

The purpose of this policy is to establish requirements for business use of cellular devices, both City issued and privately owned, and to establish approval requirements and procedures for paying for business use of personal cellular devices and services. Cellular devices and services or reimbursements are provided to Employees for official City business use only, and are issued when operational benefits outweigh costs and only upon approval of the Supervisor, Department Head and the Chief Administrative Officer.

Employees who are issued a City phone or use a private owned device covered under this policy should be aware that the phone number is not private and may be accessed by the public. Any communications, including data communications, may be public record and subject to disclosure when legally required.

Definitions

Cellular device: A portable device, including cellular telephones, Blackberry devices and other data devices, with cellular communications capability.

City provided device: A cellular device supplied and owned by the City. The City is responsible for payment, maintenance and replacement of the device.

Essential personal calls: Personal calls of minimal duration such as calls to arrange for unscheduled or immediate care of a dependent, a family emergency, or to alert others of an unexpected delay due to a change in work.

Occasional use: Incidental and/or occasional use of a personal cell phone for City business does not generate a charge to the City and does not qualify for reimbursement under this policy.

Texting Prohibited. The City recognizes that texting or instant messaging on cellular phones can be hazardous. Employees are prohibited from texting or instant messaging on their cell phones while driving or operating City vehicles and equipment.

Computer, Internet and E-mail Usage

The City recognizes that use of the Internet has many benefits for it and its Employees. The Internet and e-mail make communication more efficient and effective. Therefore, Employees are encouraged to use the Internet appropriately. Unacceptable usage of the Internet can place the City and others at risk. This policy discusses acceptable usage of the Internet.

Guidelines

The following guidelines have been established for using the Internet and e-mail in an appropriate, ethical and professional manner.

1. Internet and e-mail access may not be used for transmitting, retrieving or storing of any communications of a defamatory, discriminatory or harassing nature or materials that are obscene or X-rated. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. Harassment of any kind is prohibited.
2. Disparaging, abusive, profane, or offensive language; materials that would adversely or negatively reflect upon the City or be contrary to the City's best interests; and any illegal activities - including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access to any computers on the Internet or e-mail - are forbidden.
3. Copyrighted materials belonging to entities other than the City may not be transmitted by Employees on the City's network. All Employees obtaining access to other companies' or individual's materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only. If you find something on the Internet that may be interesting to others, do not copy it to a network drive. Instead, give the URL (uniform resource locator or "address") to the person who may be interested in the information and have that person look at it on his/her own.
4. Do not use the system in a way that disrupts its use by others. This includes excessive sending or receiving many large files and "spamming" (sending e-mail messages to thousands of users.).
5. The Internet is full of useful programs that can be downloaded, but some of them may contain computer viruses that can extensively damage our computers. Be sure to virus-check downloaded files immediately. Instructions on how to check for viruses are available through your supervisor. Also, many browser add-on packages (called "plug-ins") are available to download. There is no guarantee that such will be compatible with other programs on the network and such may cause problems; therefore, please refrain from downloading such plug-ins.
6. Passwords to City systems are provided in order to protect sensitive information and messages from unauthorized use or viewing. Such passwords are not intended to prevent appropriate review by City management. Under NO circumstances should you provide any co-worker or non-city personnel your password and user codes.
7. At no times should networked workstations with Internet access be left in an accessible state that could potentially allow unauthorized access.

8. Each Employee is responsible for the content of all text, audio or images that he/she places or sends over the City's Internet and e-mail system. No e-mail or other electronic communications may be sent which hide the identity of the sender or represents the sender as someone else.
9. E-mail is not guaranteed to be private or confidential. All electronic communications are the City property. Therefore, the City reserves the right to examine, monitor and regulate e-mail messages, directories and files, as well as Internet usage. Also, the Internet is not secure so do not assume that others cannot read - or possibly alter - your messages.
10. Internal and external e-mail messages are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the City.
11. Use of Instant Messaging, either with internal Employees or persons outside the office must fall within City guidelines.

The City's Right to Monitor and Consequences

All City-supplied technology, including computer systems and City-related work records, belong to the City and not the Employee. The City routinely monitors usage patterns for its e-mail and Internet communications. Although encouraged to explore the vast resources available on the Internet, Employees should use discretion in the sites that are accessed.

Since all the computer systems and software, as well as the e-mail and Internet connection, are owned by the City, all City policies are in effect at all times. Any Employee who abuses the privilege of the City's facilitated access to e-mail or the Internet may be denied access to the Internet and, if appropriate, be subject to disciplinary action, up to and including termination.

Department Administrators are responsible for ensuring that assigned personnel understand Internet acceptable use policy.

City management reserves the right to periodically monitor Employees' use of any computer systems or network.

Questions Regarding the Use of the Internet or E-mail

If you have questions regarding the appropriate use of the Internet or E-mail, contact your supervisor.

Social Media Policy

The City understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all Employees of the City of Laurel.

Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content

of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

The same principles and guidelines found in the City's policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City or the legitimate business interests of the City may result in disciplinary action, up to and including termination.

Know and Follow the Rules

Carefully read these guidelines, the City Statement of Ethics Policy, the City Customer and Confidentiality Policies and the Discrimination & Harassment Prevention Policy, and ensure your posting are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may be subject you to disciplinary action, up to including termination.

Be Respectful

Always be fair and courteous to fellow Employees, customers, members, suppliers or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your coworkers or by utilizing our Problem Resolution Procedure than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticisms, avoid using statements, photographs, video or audio that reasonable could be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, gender, disability, religion, or any other status protected by law or the City policy.

Be Honest and Accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted posting can be searched. Never post any information or rumors that you know to be false about the City, fellow Employees, citizens, suppliers, or people working on behalf of the City or competitors.

Post Only Appropriate and Respectful Content

Do not create a link from your blog, website or other social networking site to the City website without identifying yourself as a City Employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an Employee and make it clear that your views do not represent those of the City, fellow Employees, members, customers, suppliers, or people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City. It is best to include a

disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the City.”

Using Social Media at Work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your department Administrator or consistent with the City’s Computer, Internet, and E-mail Usage Policy. Do not use the City email addresses to register on social networks, blogs, or other online tools utilized for personal use.

Retaliation is Prohibited

The City prohibits taking negative action against any Employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any Employee who retaliates against another Employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Media Contacts

Employees should not speak to the media on the City’s behalf without contacting the CAO or Department Head.

All media inquiries should be directed to them.

For More Information

If you have questions or need further guidance, please contact your department Administrator or the City CAO.

Job Descriptions

All job descriptions must be approved by the Mayor or CAO, no exceptions.

Compensation

The City observes pre-determined pay period/pay days. When you receive your paycheck, review your paycheck stub to be certain your name, address and other pertinent information are correct. Please make sure to review your hours every pay period to assure all hours worked have been properly recorded and paid. If you observe an error on your check, please report it immediately to the City Payroll Clerk. If you cannot resolve the problem, contact your supervisor for assistance.

Paydays

The pay period is biweekly. Payday is the Friday following completion of the pay period. Paychecks will be available by 9:00 a.m. on payday. There shall be NO pay advances under any circumstances. Checks may be mailed if authorized by the employee. No other person be allowed to pick up an Employee's payroll check, without prior written authorization of the Employee on file with the City.

* LVFD member’s expense reimbursement will be once a month, on or before the 10th of the following month.

Overtime

(Bargained Employees; See applicable Collective Bargaining Agreement for Compensation)

Non-exempt Employees may be required to work overtime as necessary. Non-exempt Employees working over forty (40) hours in a workweek will be paid overtime at 1½ times their hourly wage rate. Only actual hours worked in a given workday or workweek can apply in calculating overtime. All overtime work must be previously authorized by a supervisor. Working overtime without authorization or refusing to work assigned overtime may be grounds for termination.

If the Supervisor, the Mayor and/or their designee and the Employee agree, the non-exempt Employee can elect to accumulate compensatory time (comp time) for use as time off at a future date at a rate of 1½ times the number of hours worked over a forty (40) hour workweek and shall be limited to a maximum of sixty (60) hours. Any time accumulated over sixty (60) hours shall be paid at the regular rate. Any accrued comp time hours will be paid to non-exempt Employees upon termination of the employment relationship. Exempt Employees do not receive compensatory time for hours worked over 40 hours per week.

The Employee has the option to save and use comp time as approved leave within the same calendar year or receive a lump-sum payment on the first payday in December of each calendar year. Employer shall pay each Employee's lump-sum payment by separate check for accounting purposes. Employee shall submit a separate time ticket for the comp time payout.

*Does not apply to volunteers.

Exempt Employees

Exempt Employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt Employees.

An exempt Employee is an executive, administrative, professional, computer professional or some outside sales commissioned Employee who is exempt from minimum wage or overtime requirement, as determined by Federal and State Wage and Hour Laws.

This salary pay policy is intended to comply with the salary pay requirements of the Fair Labor Standards Act and shall be construed in accordance with the Act. Employees are encouraged to direct any questions concerning their salary pay to your supervisor so that any inadvertent error can be corrected.

Time Reporting

All non-exempt Employees will be required to keep track of their time daily for management to compute eligibility and amount of pay and/or evaluation of job specifications and requirements on the individual time record provided by the City. Your scheduled time will be computed from the time you clock in until you clock out. Non-exempt Employees are not permitted to commence work before their normal starting time or to continue working after their normal quitting time without prior approval of the Supervisor or Department Head.

Vacation leave, sick time, compensatory time, if any, and holidays worked or not worked must also be recorded on the time record provided with the dates involved listed clearly.

All Employees are expected to take a lunch or a meal break in compliance with department needs. Unapproved absences shall not be considered as hours worked for pay purposes.

Recording the work time of another Employee or allowing any other Employee to record your work time, or falsifying any time card, either your own or another Employee's, is not permitted and is a cause for termination. Any errors on your time card should be reported immediately to your supervisor.

LVFD member's time will be recorded on a per call basis as established by the Fire Chief.

Direct Deposit Options

The City offers automatic payroll deposit directly to your bank account or to a pay card. You may begin and stop automatic payroll deposit at any time. To begin automatic payroll deposit, you must complete a form (available from the City Payroll Clerk). You should carefully monitor your payroll deposit statements for the first two pay periods after the service begins.

To stop automatic payroll deposit, complete the form (available from the City Payroll Clerk). You will receive a regular payroll check on the first pay period after the receipt of the form, provided it is received no later than 10 days before the end of the pay period.

Call Out

(Bargained Employees; See applicable Collective Bargaining Agreement for Call Out) City Employee call out will be performed by police dispatch personnel.

If a full-time non-exempt Employee is called out to perform work during his/her off duty hours, not an extension of the work shift, he/she will receive pay at the rate of one-and-one-half (1½) times the regular rate of pay.

On Call

The purpose of this policy is to provide compensation to City Employees who are required to be "on call". "On call" is defined as an Employee who is required by the City to remain on or near his/her workplace during off- duty hours in order to respond to emergencies. It is the policy of the City of Laurel that all City Employees, both exempt and non-exempt, required to be "on call" be reasonably and fairly compensated.

The Employee must be specifically designated and assigned to "on call" status by the Mayor to receive compensation. Furthermore, both exempt and non-exempt Employees requested to respond to emergency after hour calls shall respond if available.

LVFD members and ambulance personnel will be called out as needed by Laurel police dispatch.

City Credit Cards

Eligible Expenses

Only the City of Laurel's business expenses may be charged to the City of Laurel credit cards. Personal expenses may not be charged to the City of Laurel credit cards.

Cash Advances

Cash advances on the City of Laurel's credit card are not allowed.

Supporting Documentation

As soon as possible, but no later than seven (7) days after a purchase has been made with the City of Laurel's Credit Cards, a meaningful explanation of the business purposes of each expense and the receipt must be turned in to account payables. For meals and travel, be sure to include a list of any additional persons included in such expenses. In the event that a receipt is missing or lost, the Employee shall note the loss beside the charge and include an explanation of the expense.

Lost/Stolen Cards

Please contact the CAO as soon as you discover a card has been lost or stolen.

Ending Employment

If you leave employment with the City of Laurel, you must return the City of Laurel's credit cards to the CAO by your last working day.

Final Pay

The City believes you should be given the opportunity to satisfactorily perform in your job. In the event of failure to perform, you may be disciplined and/or terminated. When termination/separation occurs, payment of final wages will be made within fifteen (15) days or the next pay period, whichever comes first.

Employee Benefits

The Health Insurance Committee may review the City's benefits package as provided by the City Payroll Clerk.

Official Benefit Documents

All benefits provided by the City are described in the official documents, which are kept on file in the Office of City Clerk/Treasurer, and are available for examination by any plan participant or beneficiary. These documents are the only official and binding documents concerning the City's health and pension benefits. All summaries and communications, both written and verbal, must refer to them as binding in cases of questions or disputes. The City reserves the right to modify, amend, or terminate its health benefits. (See also, CBAs for exceptions.)

Benefits Coordinator

The City Clerk, or other designee appointed by the Mayor and/or CAO, serves as Benefits Coordinator of the City's health and pension benefits. The Benefits Coordinator is responsible for all communications and disclosures concerning City benefits and for compliance with all applicable laws and regulations. In addition, the Benefits Coordinator shall be available to answer Employee questions concerning benefits and shall communicate to new Employees, Employees as they achieve eligibility, retiring Employees, and non-Employee beneficiaries as to specific benefit coverage and required forms and designations in a consistent and timely fashion to ensure that all time frames are met. The Benefits Coordinator, with approval of the Mayor, is specifically authorized to use outside professional assistance as needed. No funds shall be expended without prior approval of the City Council for such assistance.

Beneficiary Designations

Under City insurance and retirement plans, each Employee must designate a beneficiary in the event of the Employee's death. Such designation must be made in writing to the Benefits Coordinator, and the beneficiary will be so informed by the Coordinator in the event of death. Employees may change a beneficiary designation by giving the Benefits Coordinator written notice of such desire and change and all parties shall be notified of the change in writing. It is the Employee's responsibility to maintain the proper beneficiary designations.

Insurance/Pension

(Bargained Employees: See applicable Collective Bargaining Agreement)

An Employee who typically works twenty (20) hours or more a week on a regular basis is eligible for certain group health insurance and pension benefits. The City may contribute toward the premiums for health coverage. Added benefits or insurance coverage for each full-time or part-time Employee and/or their dependents may also be available. See the Office of City Clerk for more detailed information. Unemployment and Workers' Compensation Insurance is paid fully by the City and covers all Employees.

Holidays

(Bargained Employees: See applicable Collective Bargaining Agreement)

The City will observe the same holidays as recognized by the State of Montana.

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

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

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

Regular part-time and seasonal Employees shall receive a pro rata share of compensation at their regular straight time hourly rate.

Annual Leave/Vacation

(Bargained Employees: See applicable Collective Bargaining Agreement)

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

Regular full-time Employees accrue vacation leave as follows:

Time worked	Work day credit per year	Hours per month based on an 8-hr day
1 day through 10 years	15	10
11 years through 15 years	18	12
16 years through 20 years	21	14
21 years and over	24	16

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

Temporary and seasonal Employees earn annual leave; however, they must be employed for the six-month qualifying period before they may use the annual leave. In order to qualify, seasonal Employees shall immediately report back for work when operations resume in order to avoid a break in service.

The maximum annual leave amount accumulated is twice the number of days earned annually at the end of any calendar year. Vacation leave exceeding the maximum amount must be used within 90 calendar days of the next calendar year in which the excess was accrued or it will be forfeited.

Requests for annual leave must be submitted in advance and pre-approved by the Employee's Supervisor or the Mayor and/or their designee. The annual leave will be approved after considering the best interest of the City, the Employee's department, and the Employee's request. Employees who need to use annual leave due to extenuating circumstances before they finish the probationary period may ask their Supervisor, the Mayor and/or their designee to grant paid annual leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period. Should two Employees request the same period of vacation, their Supervisor or the Mayor and/or their designee has discretion regarding the approval of the leave requests.

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

Leaves of Absence

Leaves of Absence may be granted for reasons of bona fide illness or for other reasons mutually agreed upon with the City. Leaves must be requested in writing and shall state the reason for the leave and the dates desired. Benefit contributions and benefit accruals may be suspended during leaves. Upon expiration of the leave, or upon notification to the City of your intent to return, you will be returned to the next available job opening in your classification. If you do not report upon the expiration of the leave, or any extension authorized by your employer, you may be considered as having voluntarily given your resignation.

State law shall govern a maternity leave of absence.

Inactive Status

Employees who are on any type of leave of absence, work-related or non-work-related, will be placed on inactive status. During the time the Employee is on inactive status, benefits such as vacation or sick leave will not be earned.

Military Leave

(Bargained employees; See applicable Collective Bargaining Agreement for Military Leave)

The City shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act, (USERRA, 38 USC Sec. 2021, [4321] et seq) as well as all relevant State laws (to include MCA, 10-2-201 to 10-2-228 et seq) covering members of the Montana Army and Air National Guard. An Employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an Employee for a period of twelve (12) months shall be given leave of absence with pay for a period of time not to exceed fifteen working days (120 hours) in a calendar year. It can be for attending regular encampments, training cruises, and similar training programs of the military forces of the United States. Employees employed less than twelve months are entitled to unpaid leave for the purposes listed above. This leave will not be charged against the Employee's annual vacation time.

Public Office Leave

Employees elected or appointed to a public office shall be granted an unpaid leave of absence, not to exceed 180 days per year, while performing the public service. Employees will be restored to their positions, with the same seniority, status, compensation, hours, locality, and benefits as existed prior to their leaves of absence for public service. Employees must return to work within 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 will comply with all relevant restrictions and guidelines provided within the Hatch Act (5 U.S.C. 7321 through 7326, as amended).

Leave Without Pay

(Bargained Employees: See applicable Collective Bargaining Agreement for Other Leaves With or Without Pay)

As a general rule, Leaves of Absence create inequities in that all Employees cannot be granted comparable privileges, and as such requests for leaves are seldom in the best interests of the City. (See Family and Medical Leave for exception.) Requests for Leaves of Absence without pay may be granted only under extreme and unusual circumstances and in accordance with the following guidelines:

All other appropriate and available leaves must be used before a Leave of Absence without pay is granted. Leaves of Absence will be handled as follows:

- Leaves of Absence for up to five (5) days must be submitted in writing to the Department Head for approval;
- Leaves of Absence for more than five (5) days must be submitted in writing through the Department Head to the Mayor or his/her designee for approval. Library Employees must be approved by the Library Board;
- Except in unusual circumstances, no requests for Leave of Absence will be granted unless the Employee has completed one (1) year of continuous, full-time employment;

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

Vacation and sick leave cease to accrue during leave without pay. Health insurance premiums will not be paid by the City during a period of leave without pay. However, the Employee may choose to continue insurance coverage during the leave by paying the City the premiums on a monthly basis. If the Employee fails to continue the insurance coverage, the insurance may be canceled. Should it be canceled, the Employee may be subject to policy restrictions upon returning to work.

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

Bereavement Leave

(Bargained Employees: See applicable Collective Bargaining Agreement for Bereavement Leave)

Upon the death of a member of the Employee's immediate family, an Employee may be granted up to three (3) working days off with pay. Days are to be considered eight (8) hours. Immediate family is defined as: spouse, parents, grandparents, grandchildren, brothers, sisters, children, nieces, nephews, cousins, aunts, uncles, in-laws, step-relatives, household dependents, and all of the same relatives of the Employee's spouse.

Jury and Witness Duty

(Bargained Employees: See applicable Collective Bargaining Agreement for Jury Duty)

Any regular full-time or regular part-time Employee who is required to serve on a jury is entitled to leave with pay for the hours such service conflicts with his/her normal work hours less any amount received (jury or witness fees). This may also include when an Employee is subpoenaed as a witness or required to appear before a court or legislative committee/quasi-judicial body in response to a subpoena or other directive. A probationary Employee called will have his/her probationary period extended by the same amount of time as required for serving on jury duty. An Employee who received notice of jury duty or witness service must notify his/her Supervisor immediately in order that arrangements may be made to cover the position. The City 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 they are assigned.

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

Sick Leave

(Bargained employees; See applicable Collective Bargaining Agreement for Sick Leave)

Full-time Employees earn sick leave from the first day of employment; however, they are not entitled to use paid sick leave until they have been employed continuously for the qualifying period of 90 days. Employees who are sick before they finish the qualifying period may ask their Supervisor to grant paid sick leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period. For calculating sick leave, 2,080 hours (52 weeks X 40 hours) equals one year.

Sick leave must be credited at the end of each pay period. Sick leave is earned at a rate of twelve working days for each year of service without restriction as to the number of working days that may be accumulated. Employees may not accrue sick leave while in a leave-without-pay status.

Part-time Employees earn a prorated amount of sick leave if they have worked the qualifying period. Full-time temporary and seasonal Employees are entitled to sick leave benefits provided they work the qualifying period.

Employees may use sick leave for personal illness or physical incapacity, sickness of immediate family member, or death in the immediate family of Employee (refer to bereavement leave). Immediate family is defined as the Employee's spouse, any member of the Employee's household, or any parent, child, grandparent, or grandchild, and corresponding step or in-law relationships. Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity/paternity leave, and requests for the Employee's presence due to immediate relatives' illness or emergency. Employees using sick leave that exceeds three (3) consecutive workdays may be required to furnish a medical certification of illness from a qualified doctor upon request of their Supervisor or the Mayor and/or their designee. Diagnosis of illness is not necessary, only a certification stating that they were unable to work due to illness.

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

Employees will be permitted to transfer sick leave from one Employee to another. The receiving Employee must have exhausted all accrued sick leave and vacation leave. The contributing Employee must make the transfer request in writing and must maintain at least 40 hours of sick leave. The transferred sick leave will not change the receiving Employee's employment status. The transferred sick leave is considered forfeited by the contributing Employee and additional sick leave must be re-accrued. 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.

At the City'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 complete the necessary functions of the position. Abuse of sick leave may result in disciplinary action.

Pregnancy Leave

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

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

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

Where applicable, the City of Laurel will maintain and comply with the provisions of the Montana Maternity Leave Act.