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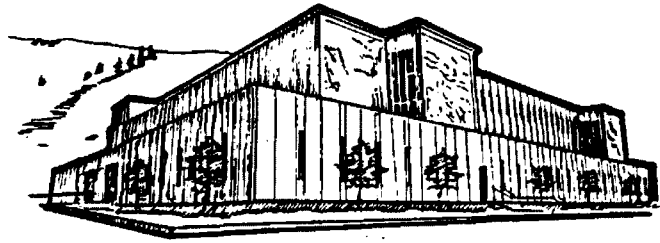
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University of
Montana

A Review, Revision, and Update of The City of Missoula Personnel Policy Manual

by
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Bachelor of Science
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1975

Presented in partial fulfillment of the requirements
for the degree of
Masters of Public Administration
University of Montana
1991

Approved by:

 Date 6-7-91
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 Date June 12, 1991
Graduate Dean

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I. INTRODUCTION

A personnel manual is an effective tool in communicating an employer's purpose and the policies which will dictate operational methods. Some employers prefer a broad set of statements, while others select specific, clearly defined rules of employment. Either method offers managers and employees an understanding of the guidelines on which the employer is basing operations. Once a manual is established, distributed, and used, it is imperative to keep it current to maintain effectiveness. The manual must concur with changes in the laws and changes in organizational methods.

This professional paper provides a close review of the City of Missoula's personnel manual revision process. The paper begins with an historical discussion of the City's manual. It then explains the need for a revision. The next section discusses the importance of considering whether the manual will be an employment contract. The next two sections are the main focus of the paper and include the actual revision process and the amended version of the manual. The conclusion summarizes the purpose of the paper. The final version of the personnel manual is included as an appendix.

A personnel manager's function within an organization is to aid the administration in developing, revising, and

administering personnel policies. "In sum, personnel management is a dynamic process that, in combination with other management functions, shapes human resources in a manner consistent with the goals of the organization and (it is hoped) the workers" (Hays 1984, p. 82). The personnel manual can be a helpful source in meeting those ends for the administrator. A manual should not be written hastily. Many careful considerations are critical to the success of the final document and its use as a tool by managers. The purpose of this paper is to furnish readers with the opportunity to fully review a personnel manual. It illustrates critical considerations for revising a manual, which could be used in writing an original document, as well. Whether the reader is writing a manual for the public or private sector, this information should be beneficial in creating or revising a document that will be accurate and "user friendly".

The reader should assume the position of a personnel manager critically reviewing an existing personnel policy manual at each juncture where a concept is introduced for consideration. The reader should gain a clear understanding of the principles evaluated. As stated previously, organizations differ in their approach. The final update of the City of Missoula's personnel policy manual is not a template which will work for any agency. However, some of the considerations are universal, for example:

- 1) What should be included in the definition section?
- 2) What is the agency's non-discrimination stance?
- 3) What type of progressive discipline policy is necessary and feasible?
- 4) How should the grievance procedure be structured?

The step-by-step process which follows can guide a personnel administrator through a complex process. Most managers cannot devote the necessary time and research required to produce a final document, explicit and user friendly. The key to this task is to realize that it will be an ongoing process which must grow and develop with the organization. "Potency comes from knowing what is happening and acting accordingly" (Herder 1986, p. 77). A productive administration will therefore keep in close touch with employees and revise as frequently as necessary.

II. BACKGROUND

HISTORY OF THE CITY OF MISSOULA'S MANUAL

The City of Missoula compiled a personnel policy manual in 1982 in order to establish an effective means for the Mayor to communicate City policies to employees. The manual was adopted as Administrative Rule No. 4, pursuant to Ordinance Number 2232, passed by the City Council on October 26, 1981. Administrative Rules are one means by which the Mayor can assert his/her executive powers by determining guidelines for the City to administer operations. The personnel policy manual is perhaps the most important because it defines daily work parameters and procedures.

Administrative Rules are posted for fourteen days for employee comment and then filed in the City Clerk's vault. In addition, the manual is distributed to all employees on their first City work day. The City's Personnel/EEO Officer's responsibility is to maintain the manual so that it is current with the Mayor's administrative guidelines, state laws, federal laws, and personnel practices. For two years, an ongoing file of areas in the manual which needed attention and revision was kept. Then the revisions were compiled into an updated manual with a new format. The Mayor's Administrative Assistant reviewed the changes and offered his suggestions to clearly define the Mayor's administrative policy objectives. The department heads then

reviewed the text to provide input and to discuss changes and updates with their staffs. The goal was to create a new "user friendly" manual, current with laws and City policy, to be referred to daily, that would be understood by both the employer and employee. "It is now accepted to involve or consult with all groups affected when a new wide-ranging proposal is being formulated...The wise practitioner will, therefore, touch all bases before going forward with a proposal that affects many groups" (Yoder, 1979, p. 1-4).

A personnel policy manual is, unfortunately, often used as a reactive document, furnished to employees upon employment and then "cubby holed" until a crisis arises. The manual should, instead, guide their employment. For example, reading and understanding the manual may reveal a policy that clearly favors the employees. In this manner the increased awareness generated by this professional paper and revised manual will serve employers and employees.

Previous revisions to the personnel policy manual had been very limited. The personnel officer sent out memos to the employees explaining the changes and posted each for fourteen days to elicit employee comment. After the comment period was completed, an amendment to the administrative rule was made and copies distributed to employees to be attached to their manuals to update the particular section.

The manual was last updated in 1988. That update consisted of five changes, including minor revisions to the

recruitment and selection process, changes to the definitions of employment statuses to reflect changes in State law, a revision to the holiday leave policy to reflect new State law, a section pertaining to the receipt of honoraria, and a change in the health insurance plan. All changes had occurred in the year prior to the update.

The current effort to update the manual is the first major review of the manual since its inception. Consequently, the purpose of many of the changes is to increase clarity and to ease future confusion.

An amended version of the manual follows the description of the revision process. The areas of the document which were deleted are crossed through while new areas are highlighted. The purpose of this amended version is for ease of review by employees during the comment period. The final document is seventy pages in length and is attached to this paper as an appendix.

CONTRACT LANGUAGE CONSIDERATIONS

The first consideration that should be given to a personnel manual is whether the employer intends it to be a contract of employment. This should be stated clearly and succinctly so that an employee does not misconstrue its intent or use the manual in court as evidence of an employer-employee contract. The City of Missoula has had

employment contracts for some positions. Presently one is in effect for the Historic Preservation Officer. All contracts are, as mandated by state law, to be approved by the City Council. The Mayor, City Attorney, and contract holder sign the contracts. Those contracts define parameters of employment including salary, benefits, duration and the specific goals and objectives of the position. The language contained within is clearly contract language such as:

"WITNESSETH"

For and in consideration of the mutual promises and agreements set forth herein, the City and Contractor mutually stipulate and agree to the following provisions:

If an employee is hired under a contract, and one of the parties breaches that contract, then the employment relationship can be severed. In the contract aforementioned Section XI Termination Prior to Completion of Contract defines the parameters for terminating the contract.

Unionized employees constitute another type of contract employee. The union contracts, of which the City has six, define parameters of employment for the represented employees. Some of the parameters include: which employees are represented, hours of work and overtime, compensation and other benefits, and grievance and discharge procedures.

Union employees receive a personnel policy manual, however, their collective bargaining agreement supersedes the manual.

Another type of employment relationship is defined as "at will" employment in which an employee can be "terminated for good cause, for no cause, or even for a cause morally wrong, without being thereby guilty of legal wrong"

(Tidwell, 1984, p. 293). Legislative acts which have eroded "at will" employment include the Civil Rights Act of 1964, The Age Discrimination Act of 1978 and The Vocational Rehabilitation Act of 1973 amended to The American With Disabilities Act of 1990. Additionally, the State of Montana's Wrongful Discharge Act, adopted in 1987, (Section 39-2-901 of the Montana Codes Annotated, Wrongful Discharge from Employment) has basically outlawed employment at will because it states that employees must be terminated for cause. If an employee is discharged, he/she must have the due process of the law, which includes notice and the opportunity to be heard. The Fourteenth Amendment of the United States Constitution also dictates this by stating "nor shall any state deprive any person of life, liberty, or property without due process of law."

Most personnel manuals will therefore serve the employer who has employees defined between the two extremes of either a contract employee or an employee "at will". The City of Missoula decided to create a manual which established personnel administrative policies rather than a

contract of employment. The first revision to the manual introduced a disclaimer stating that intent.

The following section begins the in-depth explanation of the process involved in revising the format and content of the City's personnel policy manual. The reader should refer to Chapter IV, Amended Version, in order to review the text.

III. REVISION PROCESS

Two aspects of the manual were revised, the format and the content. Each will be discussed in this section.

FORMAT

The format of a personnel manual is of the utmost importance when considering the creation of a "user friendly" document. In 1982 the manual was produced as a 5 1/2 by 8 1/2 inch bound booklet. The content was typed on a standard 8 1/2 by 11 inch page and then reduced by half to the booklet size. The result was a small book with hard to read print. Its biggest drawback was that each time it was amended, the amendments were on standard sized loose pages. The result was that the amendments were frequently lost and the updates were not reflected in the document.

Even though it is the employees' responsibility to update their manuals, most employees did not. Thus, when questions arose concerning a policy the Personnel Office had to furnish additional copies of the amendments and further explanations. Additionally, a small booklet, while sometimes convenient, is also prone to disappearing and reprints were frequently necessary.

The revised version will be a full size 8 1/2 by 11 inch document contained in a three-ring binder. The purpose of using a full size binder is to: (1) increase

readability, (2) facilitate inclusion of amendments and updates and, (3) include additional City information.

The first factor, readability, is fairly obvious. If a manual looks easy to read, employees may have fewer apprehensions about trying to understand the document. The three ring binder is blue and entitled "The Blue Book", Employee Information Handbook. The title was an attempt to make the book an easily accessible and visible reference therefore reducing the chances of losing it.

The second factor emphasizes facilitating amendments and updates. When amendments are made, employees can insert them in the proper location in their binders, thereby lowering the risk of loss and not having an updated manual. The employees will be responsible for manual updating and will sign a statement upon receipt agreeing to this. The signed statements will then be filed in their personnel files. This will relieve the personnel office from printing entire new manuals, thereby lowering future costs.

The third factor refers to including other City information in "The Blue Book". The City has other documents which are important to employment, including policy memos and statements separate from those included in the personnel manual, the summary plan document for the health insurance plan, Public Employee Retirement System booklets, and optional benefits offered such as purchase of bonds, parking permits, and deferred compensation plans. It

is beneficial for employees to have a place to keep all their information together for referral. "The Blue Book" provides an easily accessible packet. This, in turn, should also facilitate more use of the personnel manual and greater awareness.

CONTENT

Every chapter from the 1988 personnel manual was revised. Some of the revisions were merely wording changes for clarity, while others were based on either administrative, state, or federal law changes. Additions to the manual include a chapter entitled "Employee Personnel Records", an employee signature sheet, and an index. This section of the paper will explain each change, the basis of the change, and how it was incorporated into the manual. At the beginning of the manual, a signature sheet was added which states that the employee received the manual and is responsible for maintaining it, including adding amendments. The signature sheet will be collected at the time of issuance and filed in the employee's personnel file. The signature sheet also includes a statement that the manual is not to be construed as a contract. An addition to Section 01-01 adds a statement that explains that the policy manual provides employment guidelines, however, it is not a contract. The reasons for this were discussed at length in the previous section.

Also at the beginning of the manual, changes were made to update the effective date of the amended policy manual. The Table of Contents was updated to reflect the changes and additions to the manual.

Chapter 1

Section 01-03, entitled Statement Concerning Controlled Substance Use, is new. It refers to Section 07-16 which clarifies the City's dismissal policy on substance use. The Drug Free Workplace Act, which Congress enacted in 1988, prompted the addition. This federal act requires direct recipients of federal grants to certify that their organization is a drug free workplace. Presently, the City receives grants through the State and is not a direct grant recipient. However, in the near future, the City will become a direct grant recipient. One of the requirements of the act is to make a drug free workplace policy statement to all employees. This section is a precursor to the City's fulfillment of the drug free workplace certification.

Section 01-06, Definitions, was the next amended section. The definition section is the key to understanding terms within the manual. Terms and definitions were therefore scrutinized for clarity and accuracy.

The term "City Officer" was not previously defined in the manual. The definition was derived from Black's Law Dictionary. "Division Head" also was not defined in the

previous manual but appeared throughout the manual. The definition was written to reflect the manner in which the City uses the term.

"Exempt Employee" was not originally defined. The term is derived from the Fair Labor Standards Act (F.L.S.A.) amendments which were adopted by Congress in 1985 and implemented through the Department of Labor. The 1985 amendments were the first F.L.S.A. rules to dictate hour and wage laws for government employees, which is why they were not included in the manual. It is the City's legal duty to adhere to those set standards. Exempt employees are those who are excluded from the overtime provisions of the act. The definition is critical to employees as an aid in understanding what class of employee they are included within.

The definition of "Mayor" was cumbersome and did not include all the usages of the term within the manual. "Or his/her designee" is a key phrase that was added.

"Nepotism" was deleted from the definitions section because it is defined in its entirety in Chapter 7. It was not necessary to try to abbreviate the definition, which might have lead to confusion or misrepresentation of the term.

"Non-Exempt Employee" was not defined in the original manual. It was defined using the same information as discussed under the term "exempt employee".

The "Personnel Office" definition was deleted because a full explanation of duties and responsibilities is included in Chapter 2. The definition was not useful or informative.

"Preference" was added because it is a term about which employees had often inquired. It is further described in Chapter 3. This was also the subject of a grievance, on file at the City of Missoula Personnel Office, Williamson v. City of Missoula, in which the intent of the word was defined.

"Professional Employee" was not defined in past manuals but refers to a class of employees exempt from certain provisions of the Fair Labor Standards Act. Therefore it was important to add this definition.

"Retirement" was clarified by using the City's working terminology. A person is only considered a retiree and eligible for certain City benefits if he/she receives retirement benefits upon termination. The previous definition could have included terminating employees who left their money in the retirement fund, but did not receive funds upon termination. If they left their money in the fund and met requirements set by the State Retirement Board, they would be eligible for retirement benefits at a later date. This definition left some possible causes for terminating employees to claim City retirement benefits prematurely, such as health insurance.

The term "Status" was added to refer readers to Chapter 4. This chapter defines all of the employment statuses within the City.

Chapter 2

Chapter 2, Personnel Administration, has one addition. Section 02-01-B explains the Mayor's authority to adopt administrative rules. Employees often do not understand this concept although it is integral to City employment policies. They should know where they can have access to all work rules and the method for their adoption. Employees have fourteen days to comment on all new rules and should take advantage of the opportunity.

Chapter 3

Chapter 3, Recruitment and Selection, incorporated changes which the Personnel Office has implemented in the recruitment and selection process over the past several years. This section focuses on the working relationships between supervisors and the Personnel Office in maintaining a non-discriminatory, equitable selection process. Two laws which have changed recently are the Veterans' Preference Act, Section 39-29-101 et seq. of the Montana Codes Annotated and the federal disability act known as the Americans With Disabilities Act of 1990. The state law affecting Veterans' Preference previously required that a

veteran would be the successful candidate if two applicants were substantially equally qualified for a position. Now the law mirrors the federal law which gives qualifying veterans additional points in a scoring procedure if they receive more than 70 percent of the points possible.

The State Handicapped Persons' Employment Preference law in Section 39-30-101 et seq. of the Montana Codes Annotated remained the same, although the new federal law has been cheered as the Civil Rights Act for the disabled. The law will go into effect July 26, 1992. It states that employers must make efforts to hire the disabled, if they are qualified for a position, even if it requires some adjustments to the workplace. These alterations must not be cost prohibitive. The City followed these guidelines well before the act was passed and continues to make efforts to accommodate the disabled employee. It was decided to not fully explain these laws in the manual, but to assure that the supervisors were aware of the considerations and by conferring with the Personnel Office.

The main emphasis in this section was to assure that supervisors work closely with the Personnel Office during the recruitment process. The process allows for job advancement opportunity within the City. An important addition was that all interested City applicants receive interviews and are then contacted in writing and in person explicating position selection criteria. This furnishes

employees with the opportunity to work towards promotions and furthering their career goals. In the public sector, bonuses are not often available, and the administration wanted to ensure that employees have avenues for growth. If employees are not given latitude for employment changes then they will eventually move on to other organizations in an effort to meet their needs. This incurs financial loss to the City, even though the loss of gained knowledge is hard to quantify.

One other similar change in this section was to give departmental temporary and seasonal employees preference. Administrative Rule Number 6 was changed in May 1990, which specifies rules for temporary and seasonal employees. This new preference recognizes that temporary employees often gain extensive knowledge about a job and a department. It is to the City's advantage to allow those individuals the opportunity for regular employment which might entail using that gained information. It also offers incentive to people to apply for temporary positions because of the possibility of attaining regular City employment. This new policy has been in place for nearly one year and has saved money which would have been spent on recruiting. It has proven to be an incentive to temporary employees who attained regular City employment, and in turn, the City has recognized some very able and productive employees. Other minor changes were made throughout this section, however, those mentioned above

are the most substantial and explain the intent behind the other changes.

Chapter 4

One substantial change was made in Chapter 4, Employee Status. The term "permanent", referring to an employee's status, was changed to "regular". The change, although seemingly one of semantics, was made to avoid implying more of an employment relationship than actually exists. Stating that an employee is permanent might suggest that they have employment as long as they wish, or possibly forever. Regular describes the relationship more clearly. The employee is a normal worker who works under the rules of the City. The change is one more effort to discourage the notion of an employee having an employment contract or being guaranteed their position forever. The term "permanent" was changed to "regular" throughout the manual.

One change was made in Section 04-02. The manner in which the Personnel Office handles status changes was delineated.

Chapter 5

A survey on employee access to records performed by the Society for Human Resource Management showed that "The top benefit named by most employers was better management -- employee relations" (Prentice-Hall 1984, p. 921). Chapter

5, Employee Personnel Records, is a new chapter which describes the employee's personnel file and his/her right of review. It also states that each employee is responsible for knowing what his/her file contains and for submitting necessary changes. Some offices maintain separate files, however that information cannot be used as a basis for reprimand or termination. Only the information in the official personnel file can be used as evidence of employee conduct and work record.

Chapter 6

Chapter 6, Employee Benefits, is directly derived from state laws dictating employees' leave accrual and use. Minor changes were made for clarity since the laws have not changed.

Section 06-01-B-4, added a statement that vacation leave cannot be used without prior approval of the employee's department/division head. This was necessary because some employees were demanding to use their accrued vacation at any time. The City had to reserve the right to schedule vacations in order to maintain efficiency in the workplace.

Sections 06-01-G, Donation of Vacation Leave, and Section 06-01-H, Receipt of Donated Vacation Leave, are new sections which describe a portion of a policy that had been implemented several years ago, but had never been formalized

as an administrative rule. These policies permit employees the opportunity to donate vacation time to other employees who have an illness, medical disability, or must attend to a family member and do not have enough leave time accrued. This policy has proven to be a very humane one in which employees can come to the aid of a fellow employee in need.

Section 06-02-H, Donation of Sick Leave, and Section 06-02-I, Receipt of Donated Sick Leave, is a new policy which is based on a 1989 addition to Section 2-18-618, Sick Leave, of the Montana Codes Annotated which states: "A local government may establish and administer through local rules a sick leave fund into which its employees may contribute a portion of their accumulated sick leave." In conjunction with the above policy, this policy works well for employee and employer alike. A cap of 480 hours of donated sick and vacation leave combined has been placed on the amount that can be received by any one employee in a twelve month period. The cap was put in place because departments were having difficulty maintaining operations while suffering the loss of an employee and were unable to hire a temporary replacement as the employee was still receiving full pay. With this cap in place, after three months the department can hire a temporary if necessary.

Section 06-01-I, Prior Service With Another State Agency, is a state law which affects all state agencies (the City is often considered a state agency, depending on the

wording of the law), that was not implemented by the State until 1989. The law is from Section 2-18-611 et seq., Annual Vacation Leave and Section 2-18-612, Rate Earned, states: "(1) Vacation leave credits are earned at a yearly rate calculated in accordance with the following schedule, which applies to the total years of an employee's employment with any agency whether the employment is continuous or not" (emphasis supplied). The City devised a form and now informs all employees of their right to use service time from other state agencies towards their vacation accrual rate. This is one more area where employees can benefit from reading their personnel policy manuals.

Section 06-03, Leave Without Pay, was revised for administrative purposes. According to the old policy, when employees were on a leave without pay the date used for their seniority and longevity had to be adjusted. This was cumbersome for leaves of one or two days, so this policy was changed to require an adjustment only after 15 working days on leave without pay in a twelve month period.

Section 06-07, Educational Leave, was rewritten to reflect the intent of the Fair Labor Standards Act and to increase the City's reimbursement for employees who attend classes to a maximum of \$500 per year. This policy allows an employee to attend school in a job related field and receive reimbursement as well as time away from work. However, it is not to be confused with the policy covering

seminars and classes to which the City sends employees for job enhancement. Those seminars are paid directly by the City and employees receive compensatory time if they attend on their own time rather than during working hours. A differentiation had to be made as the difference between the two policies had confused supervisors, as well as their employees. The F.L.S.A. is specific about the receipt of compensatory time and it must be enforced.

Section 06-12, Health and Dental Insurance, received some subtle, yet important, changes. The first change reflected the change in the plan name to the Employee Benefit Plan Fund. It had previously been a trust fund. After the Finance Office was audited, it was deemed that the fund was not a true trust fund, therefore, the name was changed. Section 06-12-A notifies the employees that they will be furnished copies of the summary plan document and it is their responsibility to seek assistance in interpretation. Similar terminology is used upon furnishing employees with that document. The summary plan document was updated simultaneously with the personnel policy manual for some of the same reasons contained in the introduction to this paper and will be included in "The Blue Book."

One word was changed in Section 06-12-A and B. "Full" was changed to "appropriate and/or same" to give the City some latitude. Presently, the City pays the full health insurance premium for full-time regular employees. However,

as insurance costs mount, it might become necessary for employees to contribute towards the premium. This section might be overlooked during an administrative change and an employee on Workers' Compensation, or one who works only on the first day of the month, could expect the City to pay their full premium if the statement remained unchanged.

In Section 06-12-C a statement was added to inform retirees that they are not eligible for dental benefits. This has always been the policy. Section 06-12-D clarifies that employees working less than 20 hours per week are not eligible for health insurance.

Section 06-12-F is a new statement explaining the existence of the Employee Advisory Committee. The City administration values employee input on programs and policy. This is one avenue for employees to participate in the selection and administration of their benefits. In addition, the health insurance benefit is an integral part of the City's collective bargaining agreements. It would be cumbersome to bargain a different health insurance benefit for each of the seven existing agreements. Therefore, employees have generally agreed that this committee will aid in the resolution of determining the health insurance benefits.

Section 06-12-G, Appealing of a Denial of an Insurance Claim, now clarifies the appeal process by breaking it into steps for an employee to follow. The procedure has not

changed, however, this descriptive change will, hopefully, alleviate some employee questions.

Section 06-14, Workers' Compensation Insurance, was expanded to inform employees of their responsibility to report work related injuries to their supervisors. This facilitates the receipt of benefits when necessary. A cost containment step was also added to this section by the City administration. Section G now states that employees will be terminated if they are unable to return to their jobs after six months on Workers' Compensation. This provides an incentive for employees to return to work as soon as possible. In the City's experience, the longer an employee is off work, the less likely he/she is to return. The clause that follows, Section 06-14-G2, states that exceptions can be made, which leaves the door open for the City, but notifies the employee that their case will be carefully scrutinized. Section 06-14-G1 explains work return preference as it appears in the Workers' Compensation Act, Section 39-71-101, Montana Codes Annotated. The intent of this policy is for the employee and employer to closely monitor Workers' Compensation cases. All too often, an employee can remain on the payroll for a year or more while collecting Workers' Compensation, causing the individual's department to suffer inefficiency due to operating short of an employee.

Section 6-14-H was originally a different section of the manual that belonged under Workers' Compensation. It refers to police officers who are out of work because of a work related injury. One clause in the old manual could possibly have been interpreted to mean that police officers continued to accrue sick and vacation leave benefits while collecting Workers' Compensation. The City Attorney received from the Montana Attorney General, Mike Greely, Attorney General Opinion No. 114 (October 6, 1988) stating that the Metropolitan Police Act does not provide for sick and vacation benefits while an employee is collecting Worker's Compensation:

HELD: Under section 7-32-4132, MCA, a police officer of a first- or second-class municipality who is injured in the performance of duty, is entitled to the difference between any workers' compensation benefits he receives and his regular salary. However, the statute does not provide for the accrual of either vacation or sick leave benefits during the period of disability.

However, the manual was confusing on this point and an officer filed a grievance in 1990 on just that point, claiming that the manual was providing additional benefits. The grievance went through all steps of the collective bargaining agreement grievance procedure and could go to

arbitration. However, to date, the claim has not been filed.

Section 06-17, Employee Incentive Program concerns a program established by the Mayor in 1990 to provide a means of improving morale and efficiency in the workplace. The description in the manual is purposely broad to allow for change in the program because of its newness. This committee is comprised of employees from throughout the City to assure that employees have ownership in the program. They derived the three goals of the program. As stated previously, efforts must be made to reward public sector employees. This is another means to reach that end when budgets are restrictive.

Section 06-18, Non-Union Pay Plan, is a new section referring to Administrative Rule No. 5 which explains how non-union employees are compensated. This is crucial information for non-union employees. Additionally, this section explains when employees are paid, a very common question and a simple one to address.

Chapter 7

Chapter 7, Employee Work Rules, incorporates some crucial changes made by the administration, several of which are responses to problems which arose from interpretation of the manual. The first change to the chapter was to reorganize the sections into a more appropriate order. All

information pertaining to hours worked was placed together in subsections 02, 03, and 04.

The sections entitled Overtime and Compensatory Time (new Sections 07-03 and 07-04) had been areas of confusion. The intent of this revision was to delineate the difference between exempt and non-exempt employees. The overtime section refers to non-exempt employees. The addition of B-1 represents an effort to monitor the accrual of compensatory time and not allow large accumulations which must be paid to an employee at termination if not used. Therefore a maximum of 40 hours was set with the responsibility placed on the department heads to see that the policy is adhered to. Section 07-04-A was added to notify employees that all compensatory time must be authorized.

Section 07-09, Employee Notification, is a new section which notifies employees that they must furnish their supervisor with current telephone numbers and addresses where they can be contacted. This was added to the manual because of a grievance in which the employee stated that he was reachable, although the City's information was not current. He wanted to be compensated for showing up for work on a day when he did not have to work. This new policy clarifies the issue and should prevent future misunderstandings.

Section 07-10, Travel and Per Diem, now refers to the appropriate Administrative Rule. The proper procedure to follow is outlined in Administrative Rule #1.

Section 07-11, Probationary Status, incorporates all information from throughout the manual pertinent to probationary status. The length of the probationary period, six months, is defined as well as the format for appraising the performance of a probationary employee. A new provision added in D-3 allows for an extension of the probationary period. This policy shows the willingness of the City to work with employees on maintaining their employment and will help the City to avoid losing their investment in training a new employee. However, it is clearly stated that these employees are subject to dismissal and that the provisions of the extension must be monitored by the Personnel Office.

Section 07-13, Transfers, is a new section which clarifies a policy that is very important to employees. Transferring to another department can give an employee the opportunity to expand his/her career goals or simply to seek a change. Prior to making such a decision, however, the employee has to know what his/her options are. This section is clear, concise, and helpful to the employees in understanding their options.

Section 07-15, Disciplinary Procedures, was changed in response to problems which arose with the previous policy. A progressive disciplinary policy allows a means for a

supervisor to work with an employee on deficiencies in the performance of his/her duties. However, it is crucial to have timely performance appraisals which accurately monitor performance and explain to an employee the areas in which he or she needs to improve. It is much more effective not to use a harsh means of discipline initially because the employee's reaction is often one of defensiveness.

Therefore an initial statement was added in Section 07-15 that refers to constant communication and feedback between supervisors and their employees. If that method does not prove to be effective, it might be necessary to proceed with discipline. However, a supervisor must realize that this will often lead to bad feelings and should be handled delicately, with the aid of the Personnel Officer.

Section 07-15-A, First Offense, was changed to delineate what a warning should contain. The warning will remain in effect for six months rather than 30 days. Additionally, by using the terminology "remains in effect", the documentation concerning the warning will remain in the personnel file rather than be removed. In this manner, there will be an unbroken historical trail of an employee's performance. In the past, when the warning was removed from the file, there was no record of the incident. The 30-day period was not long enough to monitor an employee's behavior. Also, most supervisors used a written warning as a last resort after attempting to work with an employee on

the problem. By the time a warning was written, 30 days did not reflect the level of disciplinary action necessary. Finally, a statement was added to this section to explain to the employee that he/she had a right to respond to the warning.

07-15-B, Second Offense, remained the same except the effective time was lengthened to one year. To reiterate, when a supervisor is to the point of taking disciplinary action, the situation has usually become frustrating and difficult to solve. The supervisor must state the consequences of continued inappropriate actions by the employee and be prepared for a defensive reaction. He or she must realize that it may become more difficult and may take quite a while to resolve the performance problem. One year should allow adequate time.

Performance must be evaluated regularly and in a positive manner. However, if that proves to be ineffective, the longer duration of the warning periods will allow for adequate monitoring and possible termination, if necessary.

Section 07-16-C, Dismissal for Cause, adds two new reasons for dismissal:

9. Unauthorized absence from work
12. Possession, use distribution, or manufacture of a controlled substance in the workplace.

Chapter 8

Chapter 8, Grievance Procedure/Discrimination Claim Procedure is an important, portion of the manual which needed little revision. It affords employees the right of due process when they believe that they have been discriminated against or if they have a dispute over the interpretation of the personnel manual. The procedure is laid out in detail. It gives an employee the right to be heard in front of their peers. The only changes to this section were to allow working days rather than calendar days for certain guidelines to be met. This was an effort to permit enough time for each party to compile and review information on the case. In the past, the time constraints set forth were too restrictive.

Chapter 9

Chapter 9, Safety and Work Conditions, remained basically the same with only minor wording changes for clarity. A chapter in the previous manual entitled Career Development was deleted. It did not play a significant role in the manual and the information was already covered in other sections.

Index

An index was added to the end of the manual to facilitate use. The table of contents had often been found

insufficient to locate particular information. The index offers a quick reference and is the final touch needed for this "user friendly" revision.

IV. AMENDED VERSION

The amended version of the City of Missoula's personnel policy manual follows. The areas of the document which were deleted are crossed through, new areas are highlighted. The purpose of the amended version is for ease of review by employees during the fourteen day comment period.

CITY OF MISSOULA
PERSONNEL POLICY MANUAL

~~June 2, 1988~~

ADOPTED AS ADMINISTRATIVE RULE NO. 4, REPLACING THE PREVIOUS
ADMINISTRATIVE RULE NO. 4, ~~DATED JUNE 2, 1988, ADOPTED
PURSUANT TO THE AUTHORITY GRANTED IN ORDINANCE NUMBER 2232,
DATED July 29, 1987, PURSUANT TO ORDINANCE NUMBER 2232,~~
PASSED BY THE CITY COUNCIL ON THE 26TH DAY OF OCTOBER, 1981.

SIGNED INTO POLICY ON THE _____ DAY OF _____,
1991. ~~SIGNED INTO POLICY ON THE 2nd DAY OF JUNE,
1988.~~

APPROVED:

DANIEL KEMMIS

~~ROBERT E. LOVEGROVE~~

MAYOR

Introduction to the Personnel Policy Manual

Format

This manual is divided into chapters and each chapter is divided into specific policies and guidelines. A seven-digit number is assigned to identify the chapter number, the policy or guideline number and the page number.

The number is structured as shown in the following illustration:

01-11-026

01 = Chapter Number.

11 = Policy or Guideline Number within the Chapter.

026 = Page Number within the Manual.

Page numbers within this manual may change as new policies and guidelines are adopted, revised or deleted. If new additions exceed the page length of the old policy,

~~Chapter Number.~~

~~Policy or Guideline Number within the Chapter.~~

~~Page Number within the Manual.~~

~~Page numbers within this manual may change as new policies and guidelines are revised or adopted. If new additions exceed the page length of the old policy, then the page number will reflect an alphabetical listing so as not to upset the numbering system of the rest of the manual. An example:—An example—~~

If policy number 01-11-026 is 1 page long and is replaced by a policy which is 3 pages long, the new page numbers will be:

01-11-026

01-11-026a

01-11-026b

~~This will preclude renumbering the entire manual as additions, revisions or deletions are made to the personnel policy manual. This will preclude renumbering the entire manual as revisions, additions and modifications are made to the personnel policy manual.~~

Proposed additions to this manual will be posted pursuant to the Administrative Rules Ordinance. All new additions will show the effective date the policy or guideline starts.

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CHAPTER I
GENERAL PROVISIONS

Section 01-01 - Purpose
~~Section 01-01 - Purpose~~

The purpose of this Personnel Policy Manual is to establish a system of personnel administration for the City of Missoula that is efficient, equitable, and functional. This manual is dedicated to merit principles and governs rules, policies and conditions of employment for City personnel. The Personnel Policy Manual, while providing guidelines, should not be construed as a contract between the City of Missoula and its employees.

Section 01-02 - Statement of Non-Discrimination

~~This manual is dedicated to merit principles and governs conditions of employment for City personnel.~~

~~Section 01-02 - Statement of Non-Discrimination~~

- A. The City is dedicated to a policy of non-discrimination in which no individual shall be discriminated against with regard to compensation, terms, conditions, or other privileges of employment because of race, ancestry, color, handicap, religion, national origin, sex, age, marital status, creed, ex-offender status, physical condition, political belief, or public assistance status.
- B. The City is committed to Equal Employment Opportunity Guidelines. All provisions of this manual, in regard to employment, shall be administered in accordance with the provisions contained in such Equal Employment Opportunity Guidelines.
- C. Mayor's statement on Affirmative Action.

Policy Statement

The Mayor of the City of Missoula is committed to implement affirmative action to provide all persons equal opportunity for employment without regard to race, color, handicap, religion, creed, national origin, age, marital status, or sex. In keeping with this commitment, we are assigning to all department heads and their staff the responsibility of actively facilitating equal opportunity for present employees, applicants and

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

Section 01-05 - Severability

If any section, subsection, sentence, clause, phrase or word of this manual is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this manual. The City hereby declares that it would have put into effect this manual and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this manual should be declared invalid or unconstitutional, then the remaining manual provisions will be in full force and effect.

Section 01-06 - Definitions

For the purpose of this manual, the following terms are defined as below:

Affinity - relationship by marriage.

~~Section 01-04 - Severability~~

~~If any portions or a specific provision of this policy are declared invalid, the remainder shall not be affected.~~

~~Section 01-05 - Definitions~~

~~Affinity - relationship by marriage.~~

Appropriate Authority - the Mayor except where such power stated has been delegated to a supervisor or department head.

Authorized - authority that has been delegated by the Mayor. ~~Authorized - authority that has been delegated by the Mayor.~~

Cause - employee's conduct, action, or lack of action that has led to disciplinary sanctions directed towards the employee by a supervisor or department head that ranges from a verbal reprimand to job dismissal.

City Officer - one who holds an office of the municipality.
~~City Officer - Reserved.~~

Conflict of Interest - an employee engaging in outside employment or activities that conflict with City interests or the employee's ability to satisfactorily perform his/her duties as a City employee.

Compensatory Time - time spent working for the City by employees not eligible for overtime that is in excess of their regularly scheduled work hours.

Consanguinity - blood relationship; descent from a common ancestor.

Consecutive - employment that regularly lasts from week to week and month to month in a given year.

Department Head - a City employee who has the powers, duties, and responsibilities of operating and administering a specific department. ~~and responsibilities of operating and controlling a specific department.~~

Dismissal - the involuntary termination of employment for reasons other than lack of funds, lack of work, retirement or resignation.

Division Head - a City employee who has the powers, duties, and responsibilities of operating and administering a specific division within a department.

Exempt Employee - employees who are by law excluded from the overtime and/or minimum wage provisions of the Fair Labor Standards Act.

Eligible Employees ~~employees that are permanent full-time, permanent part-time, or temporary in a continuous employment status of 6 months for vacation leave, military leave, benefit leave use, and 90 continuous days for sick leave benefit use.~~

Exempt Employee ~~Reserved.~~

- Flex-Time - an adjustment of employee working hours that varies from the regularly scheduled working hours.
- Grievance - a complaint or dispute initiated by a non-union/non-association City employee over the application, meaning, or interpretation of this Personnel Policy Manual, except that layoffs and terminations shall not be considered grievances.
- Immediate Family - parents, grandparents, siblings, children, grandchildren, of the employee or spouse; son-in-law or daughter-in-law, or any individual who has become a permanent member of the employee's household.
- Inefficiency - inadequate performance at work duties as work duties are described in the employee's position job description.
- Leave - authorized time off work for employee use of vacation leave,
- ~~Leave - authorized time off work for employee use of vacation leave, sick leave, disability leave, leave without pay, holiday leave, military leave, education leave, sabbatical leave, jury duty or serve as a witness leave.~~
- Mayor - the Chief Executive Officer of the City or his/her designee.
- Non-Exempt Employee - employees who are not excluded from the overtime and/or minimum wage provisions of the Fair Labor Standards Act.
- Overtime - compensation for non-exempt employees, pursuant to Fair Labor Standards Act, for hours worked in excess of 40 hours in a work week.
- ~~Mayor - the powers, duties, and responsibilities associated with the Chief Executive Officer of the City.~~
- ~~Nepotism - the bestowal of patronage by reason of relationship.~~
- ~~Non-Exempt Employee - Reserved.~~

~~Overtime - compensation for hours worked in excess of 40 hours in a work week; for non-exempt employees.~~

~~Personnel Office - the Personnel Director, Personnel/EEO Officer, or any supervisor so designated by the Mayor.~~

~~Preferred Status - Reserved.~~
~~THE FOLLOWING TEXT WAS MOVED~~

Performance Appraisal - process by which City employees are appraised on the execution of the duties and responsibilities of the employee's position.

Preference - opportunity for City employees to be considered first for vacant positions (see Section 3-02).

~~Professional Employees - Reserved.~~

~~Retirement - voluntary or physical disability termination of an employee eligible to receive retirement benefits.~~

~~Resignation - voluntary termination by an employee.~~

~~Supervisors - any individual having authority in the interest of the City to assign and direct other employees, adjust employees' grievances, discipline other employees,~~
~~THE PRECEDING TEXT WAS MOVED~~

Probation - the 6-month period from the initial hiring, transfer, demotion, or promotion date during which the work performance and conduct of the employee is appraised to determine whether regular status will be granted.

Professional Employees - employees employed in a bona fide professional capacity as defined by the Fair Labor Standards Act.

Resignation - voluntary termination by an employee.

Retirement - voluntary or physical disability termination of an employee who will receive retirement benefits immediately upon termination.

Status - See chapter 4 for definitions of employment categories.

Supervisors - any individual authorized to assign and direct other employees, adjust employees' grievances, discipline other employees, perform performance appraisals, and exercise authority delegated to him/her by his/her department head that is not of a merely routine or clerical nature but requires the use of independent judgment.

Termination - an employee being separated from employment due to retirement, ~~and exercise authority delegated to him/her by his/her department head that is not of a merely routine or clerical nature but requires the use of independent judgment.~~

~~Termination - an employee being separated from employment due to retirement, resignation, temporary nature of the position, or temporary nature of the position, or end of term of employment or appointment.~~

Transfer - an employee changing employment from one department to another.

CHAPTER II
PERSONNEL ADMINISTRATION

Section 02-01 - Administration

- A. Under Chapter 2.02 of the Missoula Municipal Code, the Mayor is directed to administer all City personnel actions, including the right to establish, administer, and amend the provisions of this manual.
- B. The Mayor has the authority, pursuant to Montana Codes Annotated 7-1-4126 and City of Missoula Ordinance Number 2232, to adopt administrative rules in order to administer City services and to supervise City activities and personnel in a fair and equitable manner.
1. The administrative rules shall be posted for comments in the City Clerk's Office for two weeks prior to adoption. Subsequently, all rules so adopted shall be entered into an administrative code available in the City Clerk's Office.
- C. The provisions of this manual shall not be construed as limiting the power and authority of any City officer, department head, or division head to make departmental rules and regulations governing the performance of employees.
- ~~The provisions of this manual shall not be construed as limiting the power and authority of any City Officer or Department Head to make departmental rules and regulations governing the performance of employees. Such departmental rules and regulations, however, shall not conflict with provisions of this manual.~~
- D.—C. Suggestions for amendments to this manual are welcomed at any time from employees covered by the manual's provisions. All suggestions shall be submitted in writing to the Personnel Office.

Section 02-02 - City Council

The City Council shall have the responsibility and authority to participate in personnel administration duties that are authorized by State Statute, City Ordinance, provisions listed in Chapter 2.06 of the Missoula Municipal Code, and provisions listed in this personnel policy manual.

Section 02-03 - Citizen Boards
~~Section 02-03 - Citizen Boards~~

The policies of this personnel manual shall not conflict with the powers, duties and responsibilities that are reserved, by law, for citizen boards.

Section 02-04 - City Officers/Department Heads/Division Heads

City officers and department/division heads shall have the responsibility to:

~~Section 02-04 - City Officers/Department Heads~~

~~City Officers and Department Heads shall have the responsibility to:~~

- A. Administer the City personnel policies in their department.
- B. Keep employees in their departments informed of current personnel policies.
- C. Administer discipline in accordance with departmental rules and personnel policies set forth in this manual.
- D. Participate in grievance procedures.
- E. Provide the Personnel Office and other appropriate offices with the necessary information for conducting labor negotiations.
- F. Participate in labor negotiations.
- G. Request a position announcement and give appropriate title classification to the Personnel Office.
- H. Make appointments of employees to positions in their departments.

Section 02-05 - Personnel Office

The Personnel Office shall have the responsibility and authority to:

- A. Administer the policies and procedures set forth in this manual.

B. Inform City officers, department heads, and division heads of personnel policies and procedures that affect the operation of their departments.

C. Inform City officers, department heads, and division heads of changes in the manual's policies.

~~Keep City Officers/Department Heads informed of personnel policies and procedures that affect the operation of their departments.~~

~~C. Keep City Officers/Department Heads informed of changes in the manual's policies.~~

D. See that Equal Employment Opportunity, Affirmative Action and non-discrimination policies are adhered to.

E. Maintain a roster of all City employees.

F. Maintain a job and salary classification plan.

G. Participate in grievance procedures.

H. Administer all personnel recruiting activities.

I. Notify the appropriate advertising agencies when a job vacancy presents itself.

J. Conduct pre-employment investigations into the qualifications of applicants.

K. Conduct orientation for new employees.

~~THE FOLLOWING TEXT WAS MOVED~~

L.

~~THE PRECEDING TEXT WAS MOVED~~

Maintain personnel records.

~~THE FOLLOWING TEXT WAS MOVED~~

M.

~~THE PRECEDING TEXT WAS MOVED~~

Protect the security and confidentiality of all personnel records.

~~THE FOLLOWING TEXT WAS MOVED~~

N. Administer employee benefits including, but not limited to, the employee's health benefit plan, Workers' Compensation, deferred compensation,

~~Public Employees' Retirement System, and employee incentive programs.~~

~~Maintain career development programs for City employees.~~

O.

~~THE PRECEDING TEXT WAS MOVED~~

Keep updated on appropriate insurance, compensation, and other claims that City employees may bring forth.

~~THE FOLLOWING TEXT WAS MOVED~~

P. ~~Maintain career development and training programs for City employees.~~

Q.

~~THE PRECEDING TEXT WAS MOVED~~

When possible, conduct exit interviews with City employees who have resigned, retired, ~~terminated, been terminated,~~ or been dismissed.

R. Perform all duties designated to the office by the appropriate authority.

CHAPTER III
RECRUITMENT AND SELECTION

Section 03-01 - Policy

- A. In accordance with sound merit principles, recruitment and selection of personnel will go to the most properly qualified persons.
- B. As stated in Chapter One, the City is dedicated to Affirmative Action, non-discrimination, and Equal Employment Opportunity Guidelines.
- C. The City may take advantage of job training programs available in the community.

Section 03-02 - City Employee Preference

~~Regular full-time, regular part-time, and departmental temporary and seasonal employees, who possess the necessary qualifications for the vacant position, that apply for promotion or transfer, shall be given preference with first consideration given to those employees working in the department where the vacancy exists. Preference shall be given to permanent full-time and permanent part-time City employees, through promotion or transfer, who possess the necessary qualifications for the vacant position with first consideration given to those employees working in the department where the vacancy exists.~~

- A. A City employee is allowed to transfer from one department to another provided:
 - 1. There is an authorized position vacancy;
 - 2. The employee is qualified for the position and has applied for it; and
 - 3. The hiring authority deems the applicant possesses the necessary qualifications and selects the applicant.

Section 03-03 - County Employee Preference

~~In general, no hiring preference will be given to County employees for vacant City positions, however, situations covered by interlocal agreements will be considered on a case-by-case basis.~~

- ~~B. The Personnel Office shall supply to all department heads for posting an advanced notice of~~

~~the position vacancy prior to advertising the position vacancy.~~

~~Section 03-03 - County Employee Preference~~

~~A. County transfer procedure.~~

~~Reserved.~~

Section 03-04 - Recruitment and Selection Process

The recruitment process will begin when the Personnel Office receives a request from the department/division head in conjunction with a letter of resignation from the employee currently in the position. In the case of a newly created and budgeted position, the recruitment process will begin when the department/division head notifies the Personnel Office.

The department/division head will meet with the Personnel Office to review the job description, status, salary, application deadline, and proposed date of hire based upon budgetary considerations.

A. In-house Recruitment

1. The Personnel Office will then initiate the in-house recruitment process by circulating a position vacancy announcement to all departments for posting.

a. The departmental posting period shall be at least five days.

2. All in-house applicants shall be interviewed for the position and be notified in person and in writing as to the basis of the selection decision.

a. The department/division head may decide to open the position up to outside applicants and consider in-house applicants within the total applicant pool.

B. Out-of-house Recruitment

1. If the department/division head decides to recruit outside of the City employee applicant pool, the Personnel Office will advertise the position by sending a position vacancy notice to the following agencies:

~~a. A. When a budgeted vacancy occurs which the department head wishes to fill, the department head shall send a memorandum notifying the Personnel Office of the vacancy. The memorandum will include:~~

- ~~1. Job title.~~
- ~~2. Application information.~~
- ~~3. Tentative date of hire.~~

~~B. The Personnel Office will then initiate the recruitment process by circulating a job position vacancy announcement to all departments for posting.~~

- ~~1. The departmental posting period shall be five days.~~

~~C. Following the departmental posting of the job position vacancy and if no City employee is hired to fill the position, the Personnel Office shall notify the appropriate advertising agencies that a job vacancy exists. These agencies shall include:~~

- ~~1. The Missoulian.~~
- ~~b. 2. Missoula Job Service.~~
- ~~c. 3. Local minority organizations.~~
- ~~d. 4. Any other organization that seeks to place itself on the Personnel Office's mailing list.~~
- ~~e. Any other publication, 5. Any other publications, newspaper or professional, appropriate to notify potential applicants.~~

~~2. After the application deadline, the Personnel Office will give the department head:~~

- ~~a. Applications received for the vacant position.~~
- ~~b. A list of the applicants with those who claim eligible veteran or handicapped preference noted.~~

~~c. Forms to complete which record the scoring procedure used and minimum qualification requirements.~~

~~3. appropriate to notify potential applicants of sufficient quality.~~

~~D. After the closing date for the vacant position has expired, the Personnel Office shall conduct pre-employment qualification investigations into the background of all applicants.~~

~~THE FOLLOWING TEXT WAS MOVED~~

Upon review of the applications received from the Personnel Office, the department head shall decide which of the applicants to interview for the position based on:

~~a. the department head shall make a decision on the employability of the new employee after:~~

~~1. Screening the applications in accordance with Personnel Office guidelines; maintaining strict adherence to the City's policies and guidelines, Affirmative Action Plan, Equal Employment Opportunity guidelines, Veteran's Preference and Handicapped Preference Laws.~~

~~b. The Personnel Office must review the list of applicants to be interviewed before the applicants are contacted.~~

~~2. Interviewing an appropriate number (3-10) of the qualified applicants; and~~

~~3. Maintaining strict adherence to the City's Affirmative Action Plan and Equal Employment Opportunity Guidelines.~~

~~G. The department head may require a physical examination and/or a written examination for the new employee if the position so requires.~~

~~H. When hiring an individual for non-union/association positions, department/division heads should refer to the City Pay Plan for specific pay plan rules.~~

~~I. Prior to offering a position to an applicant the department/division head must receive approval~~

~~from the Personnel/EEO Officer and/or
Administrative Assistant to the Mayor.~~

~~J. Any City employee who has been discharged for
cause shall not be re-employed without the written
authorization of the Mayor.~~

~~THE PRECEDING TEXT WAS MOVED~~

The Personnel Office may reject an applicant if:

- 1) The applicant does not possess the minimum qualifications for the advertised position.
 - 2) The applicant has given false information on the application.
 - 3) The applicant has established an unsatisfactory employment record that demonstrates unsuitability for the position.
 - 4) The applicant is physically,
- ~~1. The applicant does not possess the minimum qualifications for the advertised position.~~
 - ~~2. The applicant has given false information on the application.~~
 - ~~3. The applicant has established an unsatisfactory employment record that demonstrates unsuitability for the position.~~
 - ~~4. The applicant is physically, mentally, or otherwise unable to perform effectively the duties of the position.~~
 4. The department/division head may require a physical examination and/or a written examination for the new employee if the position so requires.
 5. Prior to offering a position to an applicant the department head must receive approval from the Personnel/EEO Officer and/or Chief Administrative Officer.

6. Any City employee who has been discharged for cause shall not be re-employed without the written authorization of the Mayor.

7. Applications, scoring sheets, interview questions, and all completed paperwork must be returned to the Personnel Office.

~~E. Following the Personnel Office's pre-employment investigation, the Personnel Office shall turn over to the department head all applications that have passed the minimum qualifications for the vacant position.~~

~~1. Upon request the Personnel Office shall turn over to the department head all of the applications for the job position vacancy.~~

F.

Section 03-05 - Council Consent of City Officers

Reserved.

Section 03-06 - Employee Orientation

A. During the first day on the job each new employee shall be briefed by the appropriate authority on: ~~During the first day on the job each new employee shall be briefed, by the appropriate authority on:~~

1. City and department policies and procedures that affect the job;
2. Department structure, goals, and objectives; and
3. Benefits and compensation offered by the City.

B. New employees, excluding temporary and seasonal employees, shall be given a copy of "The Blue Book", the employee information handbook.

~~A. New employees shall also be given a copy of the Personnel Policy Manual.~~

CHAPTER IV
EMPLOYEE STATUS

Section 04-01 - Status

The following are the statuses that City employees will be listed under:

- A. Probationary Status - an employee during the period of employment from the initial hiring, transfer, demotion, or promotion date, during which the work performance and conduct of the employee is appraised to determine whether regular status will be granted. The probationary period is six months in length.
- B. Regular Full-Time Status - an employee who normally works forty hours a week in a position and the work lasts at least ten consecutive months in any twelve-month period.
- C. Regular Part-Time Status - an employee that has regularly scheduled work assignments that usually include at least twenty hours and less than 40 hours each week and the work lasts for more than ten consecutive months in any twelve-month period.
- D. Temporary Full-Time Status - an employee who normally works forty hours per week in a position that is created for a definite period of time but not to exceed nine months and the position is not renewable.
- E. Temporary Part-Time Status - an employee that has regularly scheduled work assignments that usually include at least twenty hours and less than 40 hours each week in a position that is created for a definite period of time but not to exceed nine months and the position is not renewable.
- F. Seasonal Full-Time Status - an employee who normally works forty hours per week in a position that is created for a definite period of time which is interrupted by the seasonal nature of the position.
- G. Seasonal Part-Time Status - an employee who normally works a minimum of twenty hours and less than 40 hours per week in a position that is created for a definite period of time which is interrupted by the seasonal nature of the position.

- H. Special Employment Status - an employee hired under a specifically funded program for a definite period of time who shall not have regular status and/or an employee who is hired solely on a call-in basis.
- A. ~~Probationary Status~~ is the period of employment, from the initial hiring, transfer, demotion, or promotion date, during which the work performance and conduct of the employee is appraised to determine whether permanent status will be granted. The probationary period is six months in length.
- B. ~~Permanent Full-Time Status~~ is an employee who normally works forty hours a week in a position and the work lasts at least ten consecutive months in any twelve month period.
- C. ~~Permanent Part-Time Status~~ is an employee that has regularly scheduled work assignments that include at least twenty hours each week and less than 40 hours each week and the work lasts for more than ten consecutive months in any twelve month period.
- D. ~~Temporary Full-Time Status~~ is an employee who normally works forty hours per week in a position that is created for a definite period of time but not to exceed nine months and the position is not renewable.
- E. ~~Temporary Part-Time Status~~ is an employee that has regularly scheduled work assignments that include at least twenty hours each week in a position that is created for a definite period of time but not to exceed nine months and the position is not renewable.
- F. ~~Seasonal Full-Time Status~~ is an employee who normally works forty hours per week in a position that is created for a definite period of time which is interrupted by the seasonal nature of the position.
- G. ~~Seasonal Part-Time Status~~ is an employee who normally works a minimum of twenty hours per week in a position that is created for a definite period of time which is interrupted by the seasonal nature of the position.

~~H. Special Employment Status is an employee hired under a specifically funded program for a definite period of time who shall not have permanent status.~~

Section 04-02 -

Change of Status

When an employee has undergone a status change, it is the responsibility of the department head to complete an employee status change form and forward the form to the Personnel Office.

1. The Personnel Office shall review, approve, and record the change in the employee's personnel file.

~~2. it is the responsibility of the department head to fill out an employee status change form and forward the form to the personnel office.~~

~~1-~~ The Personnel Office shall forward a copy of the form to the Payroll Accounting Clerk.

~~B. A.~~ Employees shall notify the Personnel Office of any changes in personnel data.

1. This may be accomplished by submitting a written description of the change in personnel data to the department head or Personnel Office.

CHAPTER V
EMPLOYEE PERSONNEL RECORDS

Section 05-01 - Policy

An employee's personnel file in the Personnel Office is the official City record of employment. Employees may review their own personnel files upon making an appointment with the Personnel Office in advance.

- A. Employees are responsible for the accurate representation of all information and should check the information to ensure accuracy.
 - 1. Changes must be submitted to the Personnel Office in a timely manner on a Status Change Form.

~~THE FOLLOWING TEXT WAS MOVED~~

CHAPTER VI~~THE PRECEDING TEXT WAS MOVED~~EMPLOYEE BENEFITS~~Section 06-01 -~~ Vacation Leave~~Regular full-time, regular part-time,~~~~Section 05-01 -~~ Policy

~~Employee benefits are for eligible employees that are permanent full-time, permanent part-time, temporary full-time, and temporary part-time, provided they are in continuous service for at least six months.~~

- ~~A. Pursuant to State law, sick leave benefits may be used after three months of continuous service.~~

~~Section 05-02 -~~ Vacation Leave

~~Permanent full-time, permanent part-time, temporary full-time, and temporary part-time employees will be eligible to accumulate vacation leave credits from the first day of employment and use them with pay after six months of continuous employment.~~

- A. Vacation leave credits shall be earned at a yearly rate calculated in accordance with the following schedule where 1 year equals 2,080 hours of work.

$$\underline{40 \text{ hours} \times 52 \text{ weeks} = 2,080 \text{ hours} = 1 \text{ year}}$$

Years Employed	Credits Per Month	Credits Per Year	If part-time, on LWOP or not in employed status portion of pay period
Less than 10	10 hours	120 hours	.058 x No. hours
10 to less than 15	12 hours	144 hours	.069 x No. hours
15 to less than 20	14 hours	168 hours	.081 x No. hours
20 or more	16 hours	192 hours	.092 x No. hours

Years Employed	Credits Per Month	Credits Per Year	Not in employed status entire pay period or permanent Part-Time

1 day	10 years	10 hours	120 hours	.058	x
No. hours					
10	15 years	12 hours	144 hours	.069	x
No. hours					
15	20 years	14 hours	168 hours	.081	x
No. hours					
20 years and on	16 hours	192 hours	.092	x	
No. hours					

1. Overtime is not counted.

2. When calculating incomplete pay periods and part-time hours, final figures are rounded off to the hundredth of an hour (0.00).

3. For the purpose of determining years of employment, an employee must be credited with an entire pay period in which he is in a pay status or on an authorized leave of absence with pay, regardless of the number of hours of service in the pay period. (Also refer to Section 06-01-I on Prior Service verification.)

B. The following rules shall apply to vacation leave:

~~Incomplete pay periods and part-time hours are rounded off to the nearest two digits to the right of the decimal point.~~

~~B. The following rules shall apply to vacation leave.~~

1. Vacation time taken off shall be recorded to the nearest 1/2 hour when fractions of hours are used.
2. No vacation leave with pay will be granted in advance of credits earned.
3. Vacation leave credits will not accrue in an authorized leave without pay status.
4. Vacation leave cannot be used without prior approval of the employee's department/division head.
5. Vacation leave credits may be accumulated to a total not to exceed 2 times the maximum hours earned annually as of the end of the first pay period of the next calendar year.

- a. Excess vacation time will not be forfeited if taken, or cashed out if retiring,

~~Excess vacation time will not be forfeited if taken or cashed out if retiring,~~ within 90 calendar days from the last day of the calendar year in which the excess was accrued.

6. Employees who have not completed six months continuous employment upon termination may not cash out their vacation credits.

C. Holiday Vacation Leave

Vacation leave taken over a legal holiday will not be charged against the employee's accumulated vacation leave total for the legal holiday.

D. Vacation Leave/Sick Leave

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

E. Employee Termination

An employee who terminates employment is entitled to a lump sum payment at the current salary rate at the time of termination for unused vacation leave provided they have worked the qualifying period of six continuous months.

~~An employee who terminates employment is entitled to a lump sum payment at the current salary rate at the time of termination for unused vacation leave.~~

F. Transferred Employees

If an employee is transferred between departments, the employee will not be entitled to a lump sum payment for accrued vacation leave credits.

1. The department receiving the transferred employee shall assume the liability for the accrued vacation credits earned and transferred with the employee.

G. Donation of Vacation Leave

Employees who are eligible to use vacation leave may donate vacation leave credits (hours) to be

used by another employee who does not have sufficient leave credits to remain in an active pay status during an extended absence due to illness or injury. The following rules shall apply:

1. The donation is based on vacation credits, not on rate of pay.
2. The donated credits will be subtracted from the donating employee's vacation credit accumulation and added to the recipient employee's sick leave credit accumulation.
3. Employees may donate vacation credits in any amount if the donation will not reduce their accumulated vacation credit balance to under 80 credit hours. Employees having 80 or fewer vacation credit hours accumulated may donate a maximum of two credits.
4. The donation of credits, once made, cannot be rescinded by the donating employee.
5. Credits not used by the recipient employee will be returned to the donating employee when the recipient employee returns to work, completes his/her recuperation, or terminates employment with the City.
6. Employees may receive a combined total of 480 credit hours of donated sick and vacation leave per twelve month period (see Sections 06-01-H, 06-02-H and 06-02-I).

H. Receipt of Donated Vacation Leave

1. Donated vacation leave credits will be credited to the recipient employee's sick leave account.
2. An employee may receive a maximum combined total of 480 hours of donated sick and vacation credits per twelve month period.
3. To be eligible to receive donations of vacation leave credits, an employee:
 - a. Must be eligible to use sick leave (see Section 06-02);

- b. Have an illness, injury or other qualifying condition, as described in Section 06-02-C, that results in an absence of at least ten working days;
- c. Must have exhausted all other accrued paid leave and compensatory time;
- d. Have their department head's approval for the leave (the department head may require medical certification);
- e. Must not be eligible for Workers' Compensation benefits;
- f. Must be an employee of the City of Missoula;

I. Prior Service With Another State Agency

City employees who have been employed with another state agency may use that time towards their vacation accrual rate provided:

1. They obtain a Certification of Prior Employment Hours For Annual Vacation Leave Rate Earned Form from the Personnel Office.
2. The employee sends the form and it is certified by the appropriate state agency.
3. When the Personnel Office receives the completed certification form, the employee will receive the additional time towards their vacation accrual rate. For the purpose of determining years of employment, an employee must be credited with an entire pay period in which he is in a pay status or on an authorized leave of absence with pay, regardless of the number of hours of service in the pay period.
4. It is the employee's responsibility to furnish all the necessary information to the Personnel Office.

Section 06-02 - Sick Leave

Regular full-time, regular part-time,

Section 05-03 - Sick Leave

~~Permanent full-time, permanent part-time,~~ temporary full-time and temporary part-time employees will be eligible to accumulate sick leave credits from the first day of employment and use them with pay after 90 days of continuous employment.

- A. Sick leave credits shall be earned at a yearly rate calculated in accordance with the following schedule where 1 year equals 2,080 hours of work.

40 hours x 52 weeks = 2,080 hours = 1 year.

<u>Period of Employment</u>	<u>Working Hours Credit</u>
Each 1 year of employment	96
Each 1 month of employment	8
Not in employed status entire pay period, on LWOP, or part-time employee	
or permanent part-time	.046 x hours

worked

-
- Overtime hours are not counted.
 - When calculating incomplete pay periods and part-time hours, final figures are rounded off to the hundredth of an hour.

~~Incomplete pay periods and part-time hours are rounded off to the nearest two digits to the right of the decimal point.~~

- B. The following rules shall apply to sick leave:
- Sick leave time taken will be recorded to the nearest 1/2 hour when fractions of hours are used.
 - No sick leave with pay will be granted in advance of credits earned.
 - Sick leave credits will not accrue in an authorized leave without pay status.
 - Whenever the City Personnel Office or the department/division head has reason to believe that an individual employee might be abusing sick leave,

~~Whenever the City Personnel Office or the Department/Division head has reason to believe that an individual employee might be abusing sick leave, they may request the employee claiming or using sick leave to substantiate their claim.~~

C. Sick leave may be granted for:

1. Illness;
2. Injury;
3. Medical disability;
4. Maternity-related disability; including prenatal care, birth, miscarriage, abortion, or other medical care for either employee or child;
5. Quarantine resulting from exposure to contagious disease;
6. Medical, dental or eye examination or treatment;
7. Necessary care or attendance to an immediate family member or, at the department head's discretion, another relative, for the above reasons until other attendance can reasonably be obtained; and
8. Death or funeral attendance for an immediate family member or, at the department head's discretion, another person.

D. Holiday/Sick Leave

Sick leave taken over a holiday may not be charged to an employee's sick leave for that day. Exceptions may be made for employees scheduled to work the holiday (i.e. emergency services). Proper medical certification may be required to substantiate such illness. ~~Such sick leave must be substantiated by proper medical certification.~~

E. Sick Leave/Vacation Leave

If all sick leave credits have been used, an employee that is eligible to use vacation leave credits will have the option of using accrued vacation leave credits.

F. Termination of Employees

An employee who terminates employment is entitled to a lump sum payment at the current salary rate at the time of termination equal to 1/4 of the pay attributed to the accumulated sick leave provided they have worked the qualifying period of three calendar months.

~~An employee who terminates employment is entitled to a lump sum payment at the current salary rate at the time of termination equal to 1/4 of the pay attributed to the accumulated sick leave.~~

1. Such termination pay will only apply to those credits earned since July 1, 1971.
2. Abuse of sick leave shall be cause for dismissal and forfeiture of unused sick leave lump sum payment.

G. Transferred Employees

If an employee is transferred between departments, the employee will not be entitled to a lump sum payment for accrued sick leave credits.

1. The department receiving the transferred employee shall assume the liability for the accrued sick leave credits transferred with the employee.

H. Donation of Sick Leave

Employees who are eligible to use sick leave may donate sick leave credits (hours) to be used by another employee who does not have sufficient leave credits to remain in an active pay status during an extended absence due to illness or injury. Donating employees must donate four sick leave credits (hours) for a recipient employee to receive one sick leave credit (hour).

1. The donation is based on sick leave credits, not on rate of pay.
2. Four donated credits will be subtracted from the donating employee's sick leave credit accumulation for every one credit added to the recipient employee's sick leave credit accumulation.

3. Employees may donate up to eighty (80) hours of sick leave during a twelve month period.
4. Employees must have a minimum balance of eighty (80) hours sick leave credit remaining after the contribution.
5. The donation of credits, once made, can not be rescinded by the donating employee.
6. Credits not used by the recipient employee will be returned to the donating employee when the recipient employee returns to work, completes his/her recuperation, or terminates employment with the City.
7. Employees may receive a total of 160 credit hours of donated sick leave and a combined total of 480 hours of sick and vacation leave per twelve month period. (See Sections 06-02-I and 06-01-H)

I. Receipt of Donated Sick Leave

1. One sick leave credit will be added to the recipient employee's sick leave account for every four sick leave credits donated.
2. An employee may receive a total of 160 credit hours of donated sick leave and a maximum combined total of 480 hours of donated sick and vacation credits per twelve month period.
3. To be eligible to receive donations of sick leave credits, an employee:
 - a. Must be eligible to use sick leave (see introduction to Section 06-02);
 - b. Have an illness, injury or other qualifying condition, as described in Section 06-02-C, that results in an absence of at least ten working days;
 - c. Must have exhausted all other accrued paid leave and compensatory time;
 - d. Have their department head's approval for the leave (The department head may require medical certification);

e. Must not be eligible for Workers' Compensation benefits;

f. Must be an employee of the City of Missoula;

Section 06-03 - Leave Without Pay

~~The department receiving the transferred employee shall assume the liability for the accrued sick leave credits transferred with the employee.~~

Section 05-04 - Leave Without Pay

A. Leave without pay shall be for use as outlined under disability leave, or for up to one month for other valid and good reasons if granted by the department head and the Mayor or his/her designee.

B. Leave without pay that is not for disability and is in excess of one month shall be granted only with the approval of the employee's department head and the Mayor or his/her designee.

C. While an employee is on leave without pay or on suspension, no vacation or sick leave credits accrue and service time for retirement will be adjusted accordingly.

D. When employees remain on leave without pay or on suspension for more than fifteen (15) working days in one twelve month period, service time for longevity and seniority will be adjusted accordingly.

E. While an employee is on leave without pay or on suspension the City's payment of health, dental, vision, and life insurance premiums stop.

1. Employees on authorized leave without pay may make arrangements with the Finance Office to personally pay health and dental premiums.

Section 06-04 - Disability Leave

~~While in an authorized leave without pay, no vacation or sick leave credits will accrue, service time for retirement, longevity, and seniority stops, and the City payment of health and dental insurance premiums stop.~~

- ~~1. Employees on leave without pay may make arrangements with the Finance Office to personally pay health and dental premiums.~~

~~Section 05-05~~ Disability Leave

Disability leave shall mean eligible employees using sick leave credits, vacation leave credits, or leave without pay for the purpose of recovering from physical disabilities, including pregnancy and related maternity time off.

- A. ~~Disability leave without pay for up to 90 calendar days for employees in a regular status may be granted by the employee's department head and the Mayor or his/her designee, Disability leave without pay for up to 90 calendar days for employees in a permanent status may be granted by the employee's department head and the Mayor or his/her designee, and must be substantiated by proper medical certification.~~
1. Extensions beyond 90 calendar days of leave without pay may be granted with the approval of the department head and Mayor or his/her designee.
 2. When the period of authorized leave without pay has expired and the employee is unable to return to work, the City is relieved of employment responsibility to the employee.
 3. ~~Section 6-03 shall dictate the accrual of benefits during the disability leave without pay. While on leave without pay, no vacation or sick leave credits will accrue, service time for retirement, longevity, and seniority stops, and City payment of health and dental insurance premiums stop.~~
 - ~~a. Employees on leave without pay may make arrangements with the Finance Office to personally pay health and dental premiums.~~

B. Pregnancy and Maternity Leave.

Pregnancy and maternity leave shall mean eligible employees using sick leave credits, vacation leave credits, or leave without pay for the purpose of recovering from the physical disability associated with the pregnancy and maternity time off.

1. Employees shall be granted leave without pay for up to 90 calendar days for pregnancy and maternity leave. This is in addition to any sick leave and/or vacation leave the employee wishes to use.
 - a. Extensions beyond the 90 calendar days may be granted and will be based upon agreement between the employee and her department head and is subject to proper medical certification.
 - b. Section 06-03 shall dictate the accrual of benefits during the leave without pay.
2. Employees using sick and vacation leave for pregnancy and related time off that have signified on their written request for disability leave their intention to return to work at the end of the agreed to leave time,-
- ~~2. Employees using sick and vacation leave for pregnancy and related time off that have signified on the request for disability leave form their intention to return to work at the end of the agreed to leave time, shall be reinstated to their original job, or to an equivalent position with equivalent pay and accumulated seniority, retirement, and other benefits, if and when the employee is physically able to return to work as certified by a licensed physician.~~
3. Employees using leave without pay for pregnancy and related maternity time off that have signified on the request for disability leave form their intention to return to work at the end of the agreed to leave time, shall be reinstated to their original job, or to an equivalent position with equivalent pay if and when the employee is physically able to return to work as certified by a licensed physician.
4. Employees will be granted a reasonable amount of time off for paternity leave. The paternity leave will be taken from the employee's vacation leave or as leave without pay. ~~The paternity leave will be taken from~~

~~the employee's vacation leave or leave without pay.~~

- a. Under proper medical certification sick leave may be granted for paternity leave.

C. Adoption Leave

Employees will be granted a reasonable amount of time off for adoption procedures which require their presence.

1. The adoption leave will be taken from the employee's vacation leave or leave without pay and will be based upon an amount of time agreed upon by the employee and his/her department head.

~~Section 06-05 - Military Leave~~
~~Section 05-06 - Military Leave~~

Military leave shall mean a period of absence from employment occurring either during a war involving the United States or in any other National/State emergency.

- A. Military leave with pay, not to exceed 120 working hours in a calendar year, shall be granted to employees that have been employed continuously for six months, that are members of the organized State Militia, National Guard, unorganized or organized Reserved Corps; or Military Forces of the United States, to attend regular encampments, training courses, and similar programs.
 1. This leave will not be charged against the employee's vacation time.
- B. City employees have the option of taking annual vacation leave or being placed on leave without pay status when ordered to active duty with the State National Guard.
 - ~~1. If the employee elects to take leave without pay when ordered to active duty, the employee shall continue to accumulate annual vacation and sick leave benefits.~~
- C. For the purpose of determining the number of years of employment used in vacation leave credits, the period of absence from employment due to a war involving the United States or in any other

national emergency and for 90 days thereafter, the period is considered as service if one of the following instances apply:

1. Having been ordered to active duty with the Armed Forces of the United States.
2. Voluntary service on active duty in the Armed Forces or on ships operated by or for the United States Government.
3. Direct assignment to the United States Department of Defense for duties related to National Defense, if leave without pay has been authorized.

Section 06-06 - Holiday Leave

~~Section 05-07 - Holiday Leave~~

The following are legal holidays:

1. New Year's Day, January 1.
2. President's Day, third Monday in February.
3. Memorial Day, last Monday in May.
4. Independence Day, July 4.
5. Labor Day, first Monday in September.
6. Columbus Day, second Monday in October.
7. Veteran's Day, November 11.
8. Thanksgiving Day, fourth Thursday in November.
- ~~9.~~ ~~9.~~ Heritage Day, day after Thanksgiving Day.
10. Christmas Day, December 25.
11. State-wide election day in November of even years.
12. Any day declared a national legal holiday for all governmental subdivisions within the entire nation by the President of the United States; any day declared a state legal holiday for all State and local political

subdivisions by the Governor of the State of Montana; any day declared a legal holiday for all City government employees by the Mayor of the City of Missoula.

- A. All full-time employees shall receive eight (8) hours off with pay for days observed as legal holidays or authorized proclaimed work days off, provided they are in an employed status with pay either the last regularly scheduled working day before or the first regularly scheduled working day after a holiday is observed.
- B. Any full-time employee who is scheduled for a day off, which is observed as a legal holiday or authorized proclaimed work day off, ~~Any full-time employee who is scheduled for a day off which is observed as a legal holiday or authorized proclaimed work day off,~~ shall be entitled to receive eight (8) hours off with pay either on the day preceding or the day following; whichever allows a day off in addition to the employee's regularly scheduled day off. Employees under scheduling restrictions shall be allowed to use the holiday hours when the scheduling allows.
- C. All employees in those departments that are required to remain operational during holidays or proclaimed days off,
- ~~C. Employees in those departments that are required to remain operational during holidays or proclaimed days off, or that have a scheduled work week which includes working on holidays or proclaimed days off, shall be given the following scheduled working day off with pay.~~
1. When an employee works on a holiday or proclaimed day off, the time worked will be recorded as regular time and the day off as holiday time.
- D. Regular part-time and temporary employees shall receive holiday benefits on a prorated basis. Holiday benefits shall be an average of the employee's regularly scheduled work hours in the pay period. To calculate the average, the number of regularly scheduled work hours in the pay period in which the holiday falls, shall be divided by the number of working days in that pay period. Holiday benefits shall not exceed 8 hours.

1. If part-time and temporary employees are not scheduled to work on a holiday they shall take their holiday time off by the end of the following pay period with the department heads authorization. Any diversions from this policy must be authorized by the Personnel Office.

Section 06-07 - Education Leave

Education leave shall mean employees attending job related courses at an accredited vocational or post-secondary educational institution for up to eight (8) credit hours per academic year.

~~Permanent part-time and temporary employees who are regularly scheduled to work holidays shall receive the same types of days off with pay, except the paid time off shall be based only on the number of hours they would have normally worked on the holiday. Permanent part-time and temporary employees who are not regularly scheduled to work on holidays shall not receive holiday time off with pay.~~

Section 05-08 - Education Leave

~~Education leave shall mean employees attending job related courses at a professional seminar or an accredited vocational or post secondary educational institution for up to eight (8) credit hours per academic year.~~

- A. Education leave with pay may be granted to any employee, with the department head's approval, after 6 months of continuous employment.
- B. The department head shall forward a notice of the education leave to the Personnel Office and to the Mayor (or his/her designee) outlining the length of leave, person(s) involved, and approximate cost to the City.
- C. Employees on education leave will report back to work for the balance(s) of their working day after scheduled classes is/are over and within a reasonable time allowed for travel.
 1. If class times are other than the employee's scheduled working hours, there will be no time off with pay.
- D. The City, upon receiving evidence of satisfactory completion of approved job related courses, will

~~reimburse the employee for tuition and books for up to \$500.00 will reimburse the employee for tuition and books for up to \$200.00 per fiscal year.~~

1. Reimbursement of funds to the employee may be subject to City budget constraints.

Section 06-08 - Sabbatical Leave

Reserved.

Section 06-09 - Honoraria

~~Section 05-09 - Sabbatical Leave~~

~~Reserved.~~

~~Section 05-10 - Honorariums~~

An employee who receives monetary honoraria and reimbursements for lodging, ~~An employee who receives monetary honorariums and reimbursements for lodging,~~ meals and/or travel, when they participate as a speaker, seminar leader or panel member at a workshop or seminar, may keep the monies received and does not need to report the monies collected to the Finance Office if the employee elects to charge the time spent against accrued vacation credits, if the workshop or seminar was held during normal working hours. An employee may keep all monetary honoraria and reimbursements for participating as a speaker, ~~An employee may keep all monetary honorariums and reimbursements for participating as a speaker,~~ seminar leader or panel member at a workshop or seminar held outside their normal working hours.

Section 06-10 - Jury Duty/Serve as a Witness

~~Section 05-11 - Jury Duty/Serve as a Witness~~

- A. An employee under proper summons or subpoena for jury duty or service as a witness shall collect all fees and allowances payable as a result of the duty or service and forward the fees to the Treasurer's Office. The fees will be applied against the amount due the employee from the City for the time off with pay.
 1. Expenses or mileage allowance paid by the court shall not be deducted.
- B. If an employee elects to charge the time off against accrued vacation credits, no fees and

allowances paid need be reported to the Finance Office and will not be deducted from the employee's salary for the period of time charged to vacation credits.

~~Section 06-11 - Unemployment Insurance~~
~~Section 05-12 - Unemployment Insurance~~

Unemployment insurance coverage is provided for all employees eligible to receive it, and is administered through the State Job Service Office.

~~Section 06-12 - Health and Dental Insurance~~

The Employee Benefit Plan Fund (hereafter referred to as the Plan) is a self-funded health insurance fund which includes health, dental, orthodontia, vision, and life insurance plans. Participation in the Plan is available to regular full-time and regular part-time employees and their dependents,

~~Section 05-13 - Health and Dental Insurance~~

~~Group medical plans for health and dental insurance are available for permanent full-time and permanent part-time employees and their dependents, as outlined in the respective plans.~~

- A. ~~1.~~ The Personnel Office has copies of the policies on file. Employees will be furnished a copy of the Summary Plan Document and all subsequent amendments as they become available. It is the employee's responsibility to seek assistance in interpreting the Summary Plan Document.
- B. The City will pay the same premiums for Plan coverage for all regular full-time employees that are in a full-time working status as of the first day of the month, subject to the Plan.
- C. The City will pay the appropriate Plan premiums for employees on Workers' Compensation for up to, but not to exceed, one year.
- D. Retired employees and their dependents may stay on the Plan provided they pay the full premiums as required in the Plan. Retirees and their dependents are not eligible for dental and vision benefits.

- E. Regular part-time employees will be eligible for participation in the Plan on a pro-rated premium cost sharing basis with the City according to the schedule below:

Employee	City		
	Scheduled Hours per Week	Share	Share
	Less than 20	NOT ELIGIBLE	
	20 but less than 30	50%	50%
	30 but less than 40	75%	25%

- F. The Employee Health Insurance Committee is an employee advisory committee which reviews issues concerning the Plan benefits. It shall be comprised of one representative from each bargaining unit and a representative of the non-union employees.

G. Appealing a Denial of an Insurance Claim

1. To appeal a denial of an insurance claim, a covered person must file a written request for appeal within sixty days of the denial to Intermountain Administrators, the plan supervisors.
2. Employees may appeal a written denial from the plan supervisors by delivering all information regarding the claim to the Personnel Office.
 - a. The Personnel Officer shall then call a meeting of the Health Insurance Review Committee, consisting of the Personnel Officer, Finance Officer, and the Chairperson of the Employee Health Insurance Committee.
 - b. The Health Insurance Review Committee will convene, review all pertinent information, and make a decision whether to deny or accept the claim. The decision by the Committee shall be final.

Section 06-13 - Deferred Compensation

- ~~A. The City will pay the full premiums of health and dental insurance coverage for permanent full-time~~

~~employees that are in a full-time working status as of the first day of the month, subject to the provisions of the City's medical benefit plan.~~

~~B. The City will pay the full premiums of health and dental insurance for employees on Workers' Compensation for up to but not over one year.~~

~~C. Retired employees and their dependents may stay on the City's health insurance program provided he/she pay the full premiums as required in the insurance plan.~~

~~D. Permanent part-time employees will be eligible for participation in the health and dental plans on a pro-rated premium cost sharing basis with the City according to the schedule below:~~

<u>Share</u>	<u>Hours Works</u>	<u>City Share</u>	<u>Employee</u>
	20-30 hours per week	50%	50%
	30 but less than 40 hours per week	75%	25%

~~E. Employees may appeal decisions regarding medical and dental insurance claims to the Personnel Office which will be reviewed by the Health Insurance Review Committee. The Health Insurance Review Committee shall consist of the Personnel Officer, Finance Officer and Chairman of the Employee Health Insurance Committee. The decision made by the Health Insurance Review Committee shall be final.~~

Section 05-14 - Deferred Compensation

Employees are eligible to participate in the City deferred compensation program. Interested employees should contact the Personnel Office for information.

Section 06-14 - Workers' Compensation Insurance

~~1. Interested employees should contact the Personnel Office for information.~~

Section 05-15 - Workers' Compensation Insurance

Workers' Compensation Insurance is provided for all employees to cover injuries arising out of and in the course of their employment.

- A. Employees are responsible for reporting all injuries to their immediate supervisor.
- ~~B. Department heads will be responsible for immediately reporting employee injuries on the job that result in medical treatment or loss of work time.~~
- ~~B.~~ Department heads shall maintain a file containing the rules and procedures to be followed by employees claiming Workers' Compensation benefits.
- C. Department heads will be responsible for immediately reporting employee injuries on the job that result in medical treatment or loss of work time to the Personnel Office.

~~D. — D.~~

~~THE FOLLOWING TEXT WAS MOVED~~

The administration of benefits received from Montana League of Cities and Towns Workers' Compensation Insurance Trust Program is between the employee and Montana League of Cities and Towns Workers' Compensation Insurance Trust Program.

~~E. — C.~~

~~THE PRECEDING TEXT WAS MOVED~~

Employees may not use sick leave while also receiving money from Workers' Compensation.

1. Employees may elect to use vacation leave while recovering from injuries and receiving funds from Workers' Compensation.

~~F. — E.~~ Employees shall not accrue vacation or sick leave credits while receiving Worker's Compensation benefits.

G. Employees who are not able to return to their jobs after six months on Workers' Compensation will be terminated.

1. If they are able to return to work as certified by their physician within two years, they will receive preference for the next available opening in their previous position.

2. Exceptions can be made by the Mayor or the Mayor's designee. (Refer to H [below] for police exception.)

H. ~~Section 05-16 - Metropolitan Police Act~~

Pursuant to the Metropolitan Police Act, police officers that are injured in the line of duty will receive additional compensation from the City in an amount equal to the difference between compensation paid by Workers' Compensation and his/her regular take home pay.

1. The calculations on the above City payment will be done by subtracting the officer's Workers' Compensation payment from the officer's adjusted gross salary (less taxes and retirement).
2. ~~The Police Department shall have the form to be used on file.~~
3. All other personal payment obligations that the police officer may have authorized as payroll deduction payments will be the responsibility of the police officer.
3. ~~4.~~ This additional compensation is payable for the first twelve months of disability.

~~Section 06-15 - Credit Union~~

5. ~~Police officers are granted disability leave with pay for up to 12 months with injury compensation and vacation leave and sick leave benefits.~~

~~Section 05-17 - Credit Union~~

All City employees are eligible to join the Missoula Federal Credit Union if membership is approved by the Credit Union.

- A. Membership information may be obtained at the Missoula Federal Credit Union Office.

~~Section 06-16 - Retirement Systems~~

1. ~~Membership may be obtained at the Missoula Federal Credit Union Office.~~

~~Section 05-18 - Retirement Systems~~

The City provides retirement systems for City employees that exclude or are in addition to the social security benefits provided by the Federal government.

These systems include:

- A. The Public Employees' Retirement System.
 - 1. The Personnel Office has a copy on file of the Public Employees' Retirement System.
 - 2. The Fire Department has a copy on file of the Public Employees' Retirement System - Firefighters' Division.
 - 3. The Police Department has a copy on file of the Municipal Police Officers' Retirement System.

Section 06-17 - Employee Incentive Program

The Mayor or his/her designee shall convene a committee consisting of representatives from the City departments. The committee shall recommend programs and the method of administration which the employees support as "incentive programs" to improve morale and efficiency in the work place. The Mayor or designee shall make every effort to implement these programs, subject to budgetary constraints. The three-fold purpose of the program is to:

- A. Set-up a system to reward employees for work beyond their normal job duties.
- B. Provide service pins for years of service with the City.
- C. Provide City-wide recognition for employees who retire.

Section 06-18 - Non-Union Pay Plan

Administrative Rule #5 defines the procedures for compensating non-union employees through a pay plan. It is a ten-step pay plan which is based on years of City service.

- A. Employees will be paid twice monthly on the fifth and the twentieth of the month. If the fifth or the twentieth fall on a Saturday, employees will be paid on the preceding Friday. If the normal payday falls on Sunday, employees will be paid on the following Monday.

~~THE FOLLOWING TEXT WAS MOVED~~

CHAPTER VII~~THE PRECEDING TEXT WAS MOVED~~EMPLOYEE WORK RULES~~Section 07-01 - Policy~~~~Section 06-01 - Policy~~

The following provisions shall apply to all City departments in accordance with or in addition to departmental rules and regulations.

~~Section 07-02 - Hours of Work~~~~Section 06-02 - Hours of Work~~

Hours and days of work will vary according to the needs of the departments involved in performing their authorized public service function.

A.

~~THE FOLLOWING TEXT WAS MOVED~~

The use of flex-time will be left to department heads, subject to the approval of the Mayor or his/her designee, in setting work schedules for department employees.

B. ~~Section 06-09 - Overtime~~~~THE PRECEDING TEXT WAS MOVED~~

Department heads are responsible for the maintenance of daily records of employee attendance and hours of work.

C.—B. If an employee is unable to be present at the designated working time, he/she must contact his/her supervisor as directed by departmental provisions.

D. Employees are expected to work their scheduled shifts. Employees leaving the job site without proper authorization will be subject to disciplinary action up to and including dismissal.

~~Section 07-03 - Overtime~~~~Section 06-03 - Conflict of Interest~~

~~The following rules constitute conflict of interest and are grounds for employee dismissal.~~

~~A. Employees will not engage in unapproved soliciting or partisan political activity while on the job.~~

- ~~B. Employees will not use their position for personal use or to coerce other employees.~~

~~THE FOLLOWING TEXT WAS MOVED~~

Employees required to work overtime and eligible to receive overtime shall be paid at the rate of 1-1/2 times their current hourly wage for all time worked for the City in excess of 40 hours per week.

- A. Department heads must authorize all overtime.
- B. Employees entitled to overtime compensation have the option of earning and using compensatory time in lieu of overtime compensation.
1. This compensatory time must be used at the earliest available time. It is the department/division head's responsibility to see that compensatory time does not accumulate to more than 40 hours per employee. The Mayor or designee must authorize any diversion from this policy.

Section 07-04 - Compensatory Time

~~Department heads must authorize all overtime that is in excess of the employee's regularly scheduled 40-hour work week.~~

- ~~B. Employees entitled to overtime have the option of earning and using compensatory time in lieu of overtime. (See Section 6-10).~~

Section 06-10 - Compensatory Time

Compensatory time shall be administered by department heads in accordance with the provisions below. Alternate compensatory time plans may be adopted for any department, subject to the approval of the Mayor or his/her designee.

- A. Department heads must authorize all compensatory time.
- B. Supervisory employees and professional employees will be compensated on the basis of an hour off of regularly scheduled work periods for every hour actually spent performing their actual duties on weekends, and/or meetings not scheduled during normal working hours.
- C. The use of compensatory time is subject to department head approval,

~~B. The use of comp time is subject to department head approval, and must be utilized within sixty days of being earned.~~

~~D. — C. Compensation for employees who are on call:~~

1. ~~A minimum of one hour compensatory time is allowed for each call that requires the employee to return to work to perform a City function.~~

~~E. Department heads and professional employees may take compensatory time for work performed that is beyond the normal expectations of their job function;~~

~~A minimum of one hour comp time is allowed for each call that requires the employee to return to work to perform a City function.~~

~~D. Department heads and professional employees may take comp time for work performed that is beyond the normal expectations of their job function, subject to approval of the Mayor.~~

~~F. Employees required to travel on behalf of the City in the course of their work duties may earn compensatory time for the travel time that is in excess of their regularly scheduled work day.~~

~~E. Employees required to travel on behalf of the City in the course of their work duties may earn comp time for the travel time that is in excess of their regularly scheduled work day.~~

1. ~~Employees attending educational related classes, seminars, or training sessions may not earn compensatory time for the travel time associated with reaching the class, or training sessions may not earn comp time for the travel time associated with reaching the class, seminar, or training session unless driving or working while traveling.~~

~~G. or training session.~~

~~F. — F. Accumulated compensatory time is to be utilized prior to termination of employment with the City. Unused compensatory time accumulated in a supervisory or professional capacity cannot be cashed out by supervisory and professional employees when the employee~~

terminates employment with the city (except Public Safety/Emergency Services personnel).

Section 07-05 - Conflict of Interest

The following constitute conflict of interest and are grounds for employee dismissal.

- A. Employees engaging in unapproved soliciting or partisan political activity while on the job.
- B. Employees using their position for personal use or to coerce other employees.

~~Section 06-11 - Promotions~~

~~THE PRECEDING TEXT WAS MOVED~~

- C. Employees, officers or agents or any member of their immediate family or his or her partners maintaining financial interests in profits of any contract or service or other work performed by the City.
- D. Employees using information of a confidential nature to profit financially; or giving such information to people outside City employ who would profit from such information.
- E. Employees maintaining other employment if it conflicts with the interests of the City or the employee's ability to perform his/her job duties in full.

Section 07-06 - Nepotism

~~officers or agents or any member of their immediate family or his or her partners shall not maintain financial interests in profits of any contract or service or other work performed by the City.~~

- ~~D. Employees will not use information of a confidential nature to profit financially; nor shall they give such information to people outside City employ who would profit from such information.~~
- ~~E. Employees will not maintain other employment if it conflicts with the interests of the City or the employee's ability to perform his/her job duties in full.~~

Section 06-04 - Nepotism

No person under service to the City who, by virtue of his/her position, shall have the right to hire or otherwise appoint any person to render services to the City, shall enter into any agreement or promise to do so with such person or persons related to him/her or connected to him/her by consanguinity within the 4th degree, or by affinity within the 2nd degree.

Section 07-07 - Collective Bargaining
~~Section 06-05 - Collective Bargaining~~

Employees have the right of self organization to form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours, fringe benefits, and other conditions of employment, to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion.

- A. Elected officials, persons directly appointed by the Mayor or City Council, executive, administrative, and others that are negotiated as exclusions are exempt from the above right.

Section 07-08 - Residency
~~Section 06-06 - Residency~~

City employees are subject to City ordinances or State statutes which limit the geographic location of the employee's residence in order to eliminate unreasonable absences from position duties as a result of inherent problems related to travel distances.

- A. Police officers and firefighters are required to live within a five (5) mile radius of the City limits according to Ordinance No. 2381 passed by the City Council on May 7, 1984.

Section 07-09 - Employee Notification

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

- A. It is the supervisor's responsibility to notify the personnel office immediately of any changes in the above information.

- B. It shall not be the responsibility of the City of Missoula if the information is not current and the employee can not be contacted.

Section 07-10 - Travel and Per Diem

The City's travel and per diem policy is outlined in Administrative Rule #1. This policy is to be strictly adhered to for the reimbursement of expenses that employees incur while authorized to travel on behalf of the City.

Section 07-11 - Probationary Status

- A. Probationary Status - is the status of an employee during the period of employment from the initial hiring, transfer, demotion, or promotion date, during which the work performance and conduct of the employee is appraised to determine whether regular status will be granted. The probationary period is six months in length.
- B. Transfers - When an employee transfers from one position to another or one department to another, the employee shall be required to serve a new six month probationary period, as described in Sections 04-01-A and 07-13-A. Employees shall not lose accrued benefits and may be transferred back to their old position or equivalent thereof if they do not successfully complete the probationary period, subject to the availability of a position.
- C. Demotions - A demoted employee is required to serve a new probationary period at the time of the demotion. The new probationary status will not negate accrued benefits.
- D. Dismissal During Probationary Period - An employee may be dismissed at any time during probation if the employee's performance does not satisfactorily meet the required standards.

~~Section 06-07 - Travel and Per Diem~~

~~The City has a travel and per diem policy which outlines the procedures to be followed for the reimbursement of expenses that employees incur while acting on behalf of the City.~~

~~Section 06-08 - Flex Time~~

~~THE FOLLOWING TEXT WAS MOVED~~

1. The employee will be given an oral or written communication outlining the cause(s) for probationary dismissal.
2. Employees who have undergone a reclassification and are serving a new probationary period shall not lose accrued benefits and may be transferred back to their old job or equivalent thereof if they do not successfully complete the probationary period, subject to the availability of a position.
3. A probationary period may be extended for up to three additional months after the initial six months under the following circumstances:
 - a. If an employee has not satisfactorily met the job requirements and the department head is willing to allow more time to meet those standards;
 - b. If Personnel Office approves the probationary period extension and strict guidelines are set forth for the extended probationary period;
 - c. If the probationary employee does not meet the standards during the additional time period, they will be dismissed.

E. Lay offs due to Lack of Funds/Curtailment of Work
Employees may be laid off, without prejudice, at any time due to lack of funds or curtailment of work.

1. No regular full-time employee may be laid off when there are emergency, provisional, temporary, part-time, or probationary employees in the class of work affected by the reduction in work force.

F. Performance Appraisals - Performance appraisals shall be given to probationary employees twice during their probation period.

1. The first appraisal shall be given halfway through the probation period.
2. The second appraisal shall be given just prior to the end of the employee's probationary period.

Section 07-12 - Promotions

~~THE PRECEDING TEXT WAS MOVED~~

Promotion to a vacant position will be made from among the most qualified applicants with first consideration given to those within the department or division having the vacancy. Departments shall work with the Personnel Office in developing departmental promotion policies. Refer to Section 07-13 for policies governing promotions and transfers.

Section 07-13 - Transfers

Employees wishing to transfer from one department or position to another must do so in accordance with the in-house recruitment procedures described in Section 03, Recruitment and Selection.

- A. The rate of pay for an employee who has applied for and been selected to fill a position vacancy shall be determined by provisions of Administrative Rule #5, Non-Union Pay Plan, or the appropriate union contract.
- B. At the time of the transfer, the employee shall be required to serve a new six month probationary period, as described in Sections 04-01-A and 07-11.
- C. If the employee does not successfully complete the probationary period, the employee may be dismissed, demoted, or transferred back to their previous position or the equivalent thereof.
- D. Employees who transfer between departments are not entitled to a lump sum payment for accrued vacation and/or sick leave credits.
 1. The department receiving the transferred employee shall assume the liability for the accrued vacation and sick leave credits earned and transferred with the employee.

Section 07-14 - Demotions

An employee may be demoted when he or she cannot satisfactorily perform the requirements of his or her current position.

A. The demoted employee is required to serve a new probationary period at the time of the demotion (see Section 07-12).

B.-

~~Section 06-12 - Demotions~~

~~An employee may be demoted when the employee cannot satisfactorily perform the position requirements or when the employee has applied for and been selected to fill a position vacancy of less pay. An employee may be demoted when the employee cannot satisfactorily perform the position requirements or when the employee has applied for and been selected to fill a position vacancy of less pay.~~

~~1. The demoted employee is required to serve a new probationary period at the time of the demotion.~~

~~2. The new probationary status will not negate accrued benefits.~~

~~C. 3. It is the City's responsibility to notify the demoted employee, within seven (7) days of the demotion, of the City's grievance procedure that provides the opportunity for employees to appeal the demotion. The City shall supply the demoted employee with a copy of the procedures.~~

~~Section 07-15 - Disciplinary Procedures~~

~~Prompt feedback on performance and constant communication are necessary between supervisors and their employees. The City shall supply the discharged employee with a copy of the procedures.~~

~~Section 06-13 - Disciplinary Procedures~~

~~If an employee is not performing his/her duties in a satisfactory manner, In addition, if an employee is not performing his/her duties in a satisfactory manner, it is the responsibility of his/her supervisor to give proper notice and guidance outlining the deficiencies. The following progressive disciplinary procedures shall be utilized: Progressive disciplinary procedures shall be utilized to solve City problems in maintaining effective operations and achieving the greatest productivity from employees. The following procedures should be used:~~

- A. **First Offense:** A warning from the employee's supervisor outlining the unsatisfactory job performance and the corrective measures that need to be taken.
1. The warning shall contain:
 - a. the date and time the warning was given,
 - b. what performance deficiency or violation has occurred,
 - c. the corrective measures that need to be taken,
 - d. the time period the employee has in which to improve their performance or correct their behavior, and
 - e. what further actions will be taken if the employee does not improve their performance or correct their behavior.
 2. Copies of the notice outlining the warning will be forwarded to the employee and to the Personnel Office for placement in the employee's personnel file.
 3. The employee shall have the right to make a written response to the warning and to have that response placed in their personnel file with the warning.
 4. The warning shall remain in effect for six months. ~~An oral reprimand by the employee's supervisor outlining the unsatisfactory job performance and the corrective measures that need to be taken.~~
 1. ~~The supervisor shall note the date, time, and nature of the oral reprimand and the corrective measures that need to be taken.~~
 2. ~~Copies of the notice outlining the oral reprimand will be forwarded to the employee and to the Personnel Office for placement in the employee's personnel file.~~
 3. ~~The oral reprimand will remain in effect for one month. If the unsatisfactory job performance is corrected, the notice of the~~

~~oral reprimand will be removed from the employee's personnel file and destroyed.~~

B. **Second Offense:** A written reprimand by the employee's department/division head outlining the unsatisfactory job performance and the corrective measures that need to be taken.

1. The department/division head shall write a letter which states the date, ~~A written reprimand by the employee's department head outlining the unsatisfactory job performance and the corrective measures that need to be taken.~~

~~1. The department head shall write a letter which states the date, time, and nature of the reprimand and the corrective measures that need to be taken.~~

2. Copies of the written reprimand will be forwarded to the employee and to the Personnel Office for placement in the employee's personnel file.

3. The written reprimand will remain in effect for one year for the unsatisfactory job performance stated on the written reprimand form.

~~The written reprimand will remain in effect for three (3) months for the unsatisfactory job performance stated on the written reprimand form. Further remedial actions, including dismissal, may be taken in this time frame if the unsatisfactory job performance is not corrected.~~

~~a. The written reprimand will remain in the employee's personnel file.~~

C. **Third Offense:** The department head suspends the employee for up to five days for continued unsatisfactory job performance after the employee has been notified through a warning written reprimand that his/her performance is unsatisfactory. ~~The department head suspends the employee for up to five days for continued unsatisfactory job performance after the employee has been notified through an oral or written reprimand that his/her performance is unsatisfactory.~~

1. The department head shall write a letter stating the date, time, and nature of the suspension and the corrective measures that need to be taken.
2. Copies of the suspension letter will be forwarded to the employee and Personnel Office for placement in the employee's personnel file.
3. Dismissal may be automatic for 3 months following the suspension if the unsatisfactory job performance is not corrected.

~~a. The suspension letter will remain in the employee's personnel file.~~

D. Fourth Offense: Following the suspension and if the employee's job performance has not been corrected in the 3-month time frame, the department head, with the approval of the Mayor or his/her designee, may dismiss the employee for disciplinary reasons involving violation of work rules, ~~the department head may dismiss the employee for disciplinary reasons involving violation of work rules,~~ regulations, or other personnel or departmental policies and procedures.

E. It should be understood that depending on the nature and circumstances of the unsatisfactory performance, the department head may use any disciplinary measure appropriate within their judgment. Further, Section 07-16, Dismissals, supersedes 07-15.

Section 07-16 - Dismissals

~~Dismissals for cause in Section 06-14(C) supersedes 06-13.~~

~~Section 06-14 - Dismissals~~

The Mayor has the authority to dismiss any City employee not covered by dismissal procedures authorized in State law(s), or City ordinance(s) for reasons of cause, lack of funds, or curtailment of work. The Mayor may delegate dismissal powers to department heads. The Mayor may dismiss department heads for reasons of cause. Dismissal of a City officer by the Mayor is subject to City Council consent.

~~1. The Mayor may delegate dismissal powers to department heads.~~

- ~~2. The Mayor may dismiss department heads for reasons of cause.~~
- ~~3. Dismissal of a City officer by the Mayor is subject to City Council consent.~~

A. Dismissal During Probationary Period

~~Refer to Section 07-11-D~~

~~An employee may be dismissed at any time during probation if the employee's performance does not meet the required satisfactory standards.~~

B. Lack of Funds - Curtailment of Work

Employees may be laid off, without prejudice, at any time because of lack of funds or curtailment of work.

1. ~~No regular full-time employee may be laid off when there are emergency, No permanent full-time employee may be laid off when there are emergency, provisional, temporary, part-time, or probationary employees in the class of work affected by the reduction in work force.~~
2. Department heads will determine the number of employees to be laid off based on where he/she can reduce personnel and still maintain the essential services of the department.
3. In making layoffs, department heads will consider the following when reducing staff:
 - a. Employee's length of service with the City and in their current classification; and
 - b. The job performance (which may be measured by conduct, deportment, knowledge and ability) of those employees in the classification being reduced during their tenure both with the City and in the classification being reduced.
- ~~5. Department heads are strongly encouraged to use these two factors when laying off personnel in a specific classification.~~

4. Employees will be given 2 weeks notice of impending layoffs.
5. Laid-off personnel shall receive preference in the department laid off from if and/or when the department rehires employees that were laid off due to lack of funds or curtailment of work.
6. Laid-off personnel no longer accrue sick or vacation leave credits, service time for longevity, retirement, seniority stops and the City payment of health and dental insurance premiums stop.
 - a. Upon approval of the department head, laid-off personnel may carry over sick and vacation leave credits with the City for use upon reemployment. If credits are carried over, time worked from the previous year will count towards the qualifying periods. Sick and vacation credits must be jointly carried over OR cashed out, but not a combination thereof.

C. Dismissal for Cause

The following non-inclusive reasons are sufficient for dismissal for cause:

1. Incompetence or inefficiency in the performance of duties.
2. Conviction of a criminal offense involving moral turpitude.
3. Violation of any lawful or official regulation or order, or failure to obey any lawful direction made and given by a supervisor where such violation or failure amounts to an act of insubordination or a breach of proper discipline, or has resulted or might reasonably be expected to result in loss or injury to the City or public.
4. Wanton use of offensive conduct language toward the public, City officials or other employees.

5. Carelessness and negligence in the handling and control of City property.
6. Inducing or attempting to induce any City employee to commit an unlawful act or to act in violation of any lawful and reasonable official regulation or order.
7. Taking any fee, gift, or other valuable thing in the course of work or in connection with work, for personal use when such is given with the expectation of receiving a favor or better treatment.
8. Dishonesty in the performance of duty.
9. Unauthorized absence from work.
10. Drinking of alcoholic beverages or using any drug(s) to the extent of affecting job performance as determined by the City.
11. ~~10.~~ Consumption or use of alcoholic beverages or illegal drugs while at work.
12. Possession, use, distribution, or manufacture of a controlled substance in the work place.

Section 07-17 - Terminations
~~Section 06-15 - Terminations~~

- A. Employees leaving City employment, due to resignation or retirement, who desire to leave the service in good standing shall submit a written resignation to their department head two weeks before leaving.
 1. These resignations shall be dated, signed, and contain the effective date of resignation.
 2. Employees terminated through resignation or retirement shall be paid on the next regular pay day or 15 days from the date of employment separation, whichever occurs first.
- B. Employees who are dismissed for cause are to be paid on the date of termination for all unpaid wages.

- C. All City employees leaving City employment shall turn in all City property in their possession, including keys, on or before their last day of work. A letter from the proper authority substantiating the return must be received by the Personnel Office.

Section 07-18 - Exit Interview
~~Section 06-16 - Exit Interview~~

Whenever possible and in fairness to the employee along with protection for the City, the City may conduct an exit interview for all retired, resigned, or dismissed City employees.

- A. The interview will be given by the Personnel Office and will be:
1. Confidential in nature.
 2. Scheduled, whenever possible, on the employee's last day. ~~for the employee's last day, and the employee's pay check will be presented to the employee following the interview whenever possible.~~
- B. The Personnel Office shall notify the department head of viable complaints or suggestions that the former employee presented in the interview.

CHAPTER VIII
GRIEVANCE PROCEDURE/DISCRIMINATION CLAIM PROCEDURE

Section 08-01 - Grievance Procedure
~~Section 07-01 - Grievance Procedure~~

Introduction

The purpose of this section is to establish a uniform City policy for the adjudication of employees' grievances. The policies set forth in this section will apply to all non-union/non-association City employees not governed by a collective bargaining contract.

A. Definition of Grievance
~~Definition of Grievance~~

A grievance is defined as a complaint or dispute initiated by a non-union/non-association City employee over the application, meaning or interpretation of this Personnel Policy Manual, except that layoffs and terminations shall not be considered grievances.

B. Retaliation on a Grievance

No City employee shall be subjected to demotion, termination or any other form of punishment or harassment as a result of initiating a grievance under this procedure.

C. Appeal Procedure for Layoffs, Terminations or Demotions

1. In the circumstance of a layoff, termination or demotion of a non-union/non-association employee, the employee has the opportunity to appeal the department head's decision directly to the Mayor for his review within five (5) working days of the department head's decision to layoff, terminate or demote the employee. The Mayor will then have five working days to meet with both the employee and the department head to discuss and try to resolve the grievance that has arisen as a result of the layoff, termination or demotion. In the event that the Mayor is unable to resolve the grievance the Mayor will have an additional five working days to make a decision regarding the grievance. It is the City's responsibility to notify the discharged or demoted employee within seven

(7) working days of the date of the discharge or demotion of the existence of such procedures and shall supply the discharged employee with a copy of them.

2. If either the employee and/or department head are dissatisfied with the Mayor's decision, ~~It is the City's responsibility to notify the discharged or demoted employee within seven (7) days of the date of the discharge or demotion of the existence of such procedures and shall supply the discharged employee with a copy of them.~~

~~2. If either the employee and/or department/division head are dissatisfied with the Mayor's decision,~~ the Mayor will request the Personnel/EEO Officer to contact two (2) Personnel Officers in the Missoula area (preferably one from a public organization and one from a private organization) to review the grievance. The Personnel/EEO Officer will review the pertinent information with the consultants and the consultants shall have ten (10) working days to offer an opinion on the matter. Once the consultant's opinion has been received by the City Personnel/EEO Officer then he/she will arrange a meeting within five (5) working days with the employee, department head and Mayor to discuss the consultant's opinion. ~~department/division head and Mayor to discuss the consultant's opinion.~~ After discussing the grievance with the consultants, ~~employee and department head,~~ ~~employee and department/division head,~~ the Mayor will make a decision and inform all parties involved in the grievance. The Mayor's decision shall be the final step (or decision) pursuant to the City's grievance procedure.

D. Personnel Review Committee

The Personnel Review Committee (P.R.C.) shall exist for the purpose of adjudicating non-union/non-association employee grievances except layoffs, terminations and demotions. (This Committee shall also investigate non-union/non-association employee and job applicant discrimination claims, ~~see 8.~~ ~~see 7.02 C).~~

1. Composition and Selection of Members

The P.R.C. shall be composed of five members.

Two of the members shall be department heads selected by their peers. One member shall serve a two-year term and the second member shall serve a one-year term. The terms shall start the first Monday in July, 1982, and from every year thereafter the department heads shall select a department head to serve on the committee for a period of two years. Two of the members shall be non-department heads, non-union/non-association employees selected by their peers. One member shall serve a two-year term and the second member shall serve a one-year term. The terms shall start the first Monday in July, 1982, and from every year thereafter the non-department heads, non-union/non-association employees shall select an employee to serve on the committee for a period of two years.

The fifth member of the P.R.C. shall be a non-union/non-association City employee selected by the other four members during their first meeting. The fifth member's term shall last one year. Each year, after one department head and one non-union/non-association employee have been selected by their peers, ~~shall be a non-union/non-association City employee selected by the other four members during their first meeting. The fifth member's term shall last one year. Each year, after one department head and one non-union/non-association employee have been selected by their peers,~~ the four P.R.C. members shall select the fifth member.

2. Authority of the Committee

The Committee has the authority to (1) require the presence and testimony of witnesses and other evidence held by the City or any City employee; (2) arrange with the EEO Officer for appropriate support to facilitate hearings and investigations; (3) hold pre-hearing conferences; (4) issue hearing orders; (5) hold formal hearings and control conduct of such hearings; (6) make decisions, findings of fact, and

recommendations to the Mayor by vote of a majority of the regular members involved in the hearing process.

E. Informal Procedure

A complaint shall first be presented to the grievant's immediate supervisor or department head within five (5) working days of the incident resulting in the complaint. Either party may consult the EEO Officer for informal discussion, investigation or possible resolution. If the supervisor and grievant are unable to resolve the grievance to the latter's satisfaction within five (5) working days after presentation of the grievance, the aggrieved party may proceed with the formal grievance procedure.

F. Formal Procedure

1. The grievant shall state the grievance in writing to the EEO Officer within five (5) working days of the conclusion of the informal attempt at resolution. The complaint shall contain the following:
 - a. Concise statement of facts relevant to the grievance.
 - b. The names of all supervisory personnel with whom the grievance has been discussed and the results of such discussions.
 - c. The remedy sought by the grievant.
 - d. The names of witnesses or persons who can speak on behalf of the grievant.
 - e. Copies of any documents and descriptions of any other physical evidence which may be used to support the grievant's position.
2. The EEO Officer will have ten (10) working days to investigate and attempt to resolve the grievance. If the grievance cannot be resolved at this stage, it will be forwarded to the Personnel Review Committee.

The grievant and respondent will each have five (5) working days to submit a written

summary of their positions to the Committee. ~~The grievant and respondent will each have five (5) days to submit a written summary of their positions to the Committee.~~ In addition, the EEO Officer will present a summary of the investigation to the Committee. The summaries shall include a statement of the facts, copies of documents to be submitted as evidence, the remedy sought by the grievant and the steps taken to resolve the grievance informally. Those statements also should name persons each party will call as witnesses at the hearing, along with addresses and telephone numbers. The grievant should specifically request either an open or closed hearing and the reasons for the choice. The grievant and respondent should state any intent to be represented by professional or other counsel and the identity of that individual. If the grievant chooses to be represented by professional or other counsel, the respondent will be represented by City counsel.

3. Within ten (10) working days from receipt of the grievance, the Personnel Review Committee will review the written documents provided by both parties.

The P.R.C. will then schedule a hearing within the ten (10) working days following their review of the materials. The P.R.C. may choose to convene during that time to discuss documents and request additional information from the parties involved. Every attempt will be made to give the parties five (5) working days before the hearing to furnish the additional information. If necessary, the Chair may adjust the hearing date to allow for the necessary five (5) working days.

Hearings will be taped and transcripts made available to either party upon request and payment of a service charge covering the attendant costs. ~~the Personnel Review Committee will review the written documents provided by both parties and conduct a hearing. Hearings will be taped and transcripts made available to either party upon request and payment of a service charge covering the attendant costs.~~

The Chair will preside at the hearing but will not apply strict rules of evidence or conduct an adversary proceeding. The Chair will be the final arbiter in procedural matters, and in the absence of strong reasons to the contrary, give preference to the grievant's request regarding whether the hearing will be open or closed.

4. The Personnel Review Committee will meet in closed session to make its determination. That decision will be presented to the Mayor within five (5) working days after the hearing or within five (5) working days after receipt of the transcript of the hearing if said transcript is deemed necessary to reach a determination. The Personnel Office will make every attempt to have the transcript available within ten (10) working days of the hearing. The committee's decision will contain a summary statement of the grievant's charges, ~~That decision will be presented to the Mayor within five (5) working days after the hearing; it will contain a summary statement of the grievant's charges,~~ a statement of the relief sought, a statement of the specific findings of fact and conclusions of the Committee regarding whether the evidence substantiated the grievant's complaint, and recommendations regarding redress of the grievant.
5. The Mayor or his/her designee will respond in writing to the Committee's recommendations within ten (10) working days of receipt of its decision.

~~The Mayor or his designee will respond in writing to the Committee's recommendations within ten (10) days of receipt of its decision.~~ The response will include any actions which have been or may be taken to resolve the grievance. The Mayor's decision shall be final.

G. Committee Procedures/Rules for Grievance Procedure

1. Members of the City Attorney's office and the EEO Officer shall be excluded from membership on the Personnel Review Committee.

2. There shall be no limit to the number of terms each of the members may serve.
3. If one of the members of the P.R.C. is involved in an employee grievance, the appropriate group (department head or non-union/non-association employee) shall select an interim member.
4. The P.R.C. member selected by the other four members shall act as the Committee's Chairperson.
5. Meetings of the P.R.C. will be on call of the Personnel Office and shall be held at the convenience (when possible) of the Committee members and any other personnel appearing before the Committee.
6. The Equal Employment Opportunity Officer shall act as staff to the P.R.C. He/She shall be responsible for preparing an agenda which sets forth the grievance to be acted upon by the P.R.C.
7. The Equal Employment Opportunity Officer shall be responsible for detailing the agenda topic, having relevant witnesses present, having relevant materials present, and other related testimony necessary to conducting the hearing. He/She shall not "defend" or "prosecute" grievances but rather serve as a staff member and furnish information necessary for the P.R.C. to act.
8. The P.R.C. shall review and hear all relevant materials, evidence, and testimony during the hearing. Questions may be asked by P.R.C. members at any time during the hearing.
9. Following the hearing all witnesses and personnel shall be excused. The deliberations of the P.R.C. shall be in private with only those members currently on the P.R.C. present. The Committee should honestly evaluate grievances and take action it feels is necessary regardless of who is involved. The Committee should not only discuss and debate the testimony presented during the hearing but also the consequences of the action(s) they are considering.

10. The P.R.C.'s decision on a grievance shall be by a majority vote of its members. Committee members may vote by open or secret ballot, whichever is preferred by the majority.
11. ~~The Equal Employment Opportunity Officer shall be responsible for communicating the P. The Equal Employment Opportunity Officer shall be responsible for communicating the~~ P.R.C.'s recommendation to the employee, Mayor, and other affected City personnel. The Equal Employment Opportunity Officer shall also be responsible for carrying through the actions directed by the P.R.C. and Mayor.
12. Personnel bringing grievances must do so within the allotted time frame or the grievance shall be dismissed.

~~Section 08-02 - Discrimination Claim Procedure~~
~~Section 7.02 - Discrimination Claim Procedure~~

Introduction

The purpose of this section is to establish a uniform City policy for the investigation of discrimination claims. The policies set forth in this section will apply to all job applicants, City employees, and disabled persons who feel they have been discriminated against in the admission or access to, ~~and handicapped persons who feel they have been discriminated against in the admission or access to,~~ or treatment or employment in, the programs or activities of the City.

A. Definition of Discrimination Claim

A discrimination claim is defined as any claim by an employee, job applicant, or disabled person who believes he/she has been discriminated against on the basis of race, ~~or handicapped person who believes he/she has been discriminated against on the basis of race,~~ color, religion, national origin, age, marital status, ancestry, receipt of public assistance, political beliefs, physical or mental handicap, ex-offender status or sex.

B. Definition of Sexual Harassment Claim

Sexual harassment in employment covers a broad spectrum of behavior, ranging from sexual innuendos made at inappropriate times -- perhaps

in the guise of humor -- to coerced sexual relations. In its extreme form, sexual harassment occurs when a person in a position of influence over the job or career of others uses his/her authority to coerce another person into sexual relations or to punish that person for rejecting or reporting such advances.

The City of Missoula considers such behavior unacceptable and an abuse of authority. Sexual harassment is, furthermore, a violation of State and Federal equal opportunity and non-discrimination regulations. Employees who are subjected to sexual harassment should contact the EEO Officer. Complaints will be investigated through the established discrimination claim procedures.

Disciplinary action will be taken when instances of sexual harassment are identified and confirmed. Retaliation against persons who file complaints is also a violation of laws prohibiting discrimination and will lead to disciplinary action against offenders.

Supervisors who knowingly condone or knowingly fail to report incidents of harassment will themselves be subject to discipline.

C. Personnel Review Committee.

The Personnel Review Committee (P.R.C.) shall exist for the purpose of investigating employee, job applicant and handicapped persons' discrimination claims. (This Committee shall also adjudicate non-union/non-association employee grievances (see 8. ~~(This Committee shall also adjudicate non-union/non-association employee grievances (see 7.01 C).~~))

1. Composition and Selection of Members

The P.R.C. shall be composed of five members. Two of the members shall be department heads selected by their peers. One member shall serve a two-year term and the second member shall serve a one-year term. The terms shall start the first Monday in July, 1982, and from every year thereafter the department heads shall select a department head to serve on the Committee for a period of two years. Two of the members shall be non-department

heads, non-union/non-association employees selected by their peers. One member shall serve a two-year term and the second member shall serve a one-year term. The terms shall start the first Monday in July, 1982, and from every year thereafter the non-department heads, non-union/non-association employees shall select an employee to serve on the Committee for a period of two years.

The fifth member of the P.R.C. shall be a non-union/non-association City employee selected by the other four members during their first meeting. The fifth member's term shall last one year. Each year, after one department head and one non-union/non-association employee has been selected by their peers, the four P.R.C. members shall select the fifth member.

2. Authority of the Committee

The Committee has the authority to (1) require the presence and testimony of witnesses and other evidence held by the City or any City employee; (2) arrange with the EEO Officer for appropriate support to facilitate hearings and investigations; (3) hold pre-hearing conferences; (4) issue hearing orders; (5) hold formal hearings and control conduct of such hearings; (6) make decisions, findings of fact, and recommendations to the Mayor by vote of a majority of the regular members involved in the hearing process. ~~shall be a non-union/non-association City employee selected by the other four members during their first meeting. The fifth member's term shall last one year. Each year, after one department head and one non-union/non-association employee has been selected by their peers, the four P.R.C. members shall select the fifth member.~~

~~2. Authority of the Committee~~

~~The Committee has the authority to (1) require the presence and testimony of witnesses and other evidence held by the City or any City employee; (2) arrange with the EEO Officer for appropriate support to facilitate hearings and investigations; (3)~~

~~held pre-hearing conferences; (4) issue hearing orders; (5) hold formal hearings and control conduct of such hearings; (6) make decisions, findings of fact, and recommendations to the Mayor by vote of a majority of the regular members involved in the hearing process.~~

D. Jurisdiction of Committee

1. Scope of Jurisdiction. The Personnel Review Committee has jurisdiction over any complaint of discrimination (other than those which may be initiated under the grievance or discrimination claim procedures in existing collective bargaining agreements). Complaints may be initiated by any City employee, by an applicant for employment with the City, or a handicapped person who has been discriminated against, in the admission or access to or treatment or employment in, the programs or activities of the City.
2. The jurisdiction of the Committee is specifically limited to questions of discrimination. Neither the review process nor the Committee's recommendations should include any substantive matters other than those directly related to discrimination. (For example, the Committee should not consider whether or not an employee should have been promoted but whether the denial of promotion was materially influenced by or resulted from discrimination. If the Committee finds that the employee was a victim of discrimination, the recommendation would not be that the employee be promoted but be reconsidered for promotion in a manner which would preclude discrimination.)
3. Jurisdiction. The Committee generally does not have jurisdiction over a discrimination complaint until the complainant has exhausted the "Informal Procedure" and has initiated an appeal from that procedure in the manner specified. Under the following circumstances the Committee has original jurisdiction over a complaint though the "Informal Procedure" has not been exhausted:
 - a. When the complainant alleges discrimination by the EEO Officer.

- b. When the complainant demonstrates to the EEO Officer that the complaint may not reasonably be resolved by means of the informal procedure.
- c. When the EEO Officer originates the appeal.

E. Informal Procedure

- 1. Initiating the Complaint. Any City employee or applicant for employment who claims to have been unlawfully discriminated against due to any City regulation or policy or the official action of any City employee shall within thirty (30) calendar days of the alleged discriminatory occurrence, initiate informal complaint proceedings by contacting or writing a letter to the City Equal Employment Opportunity Officer.
- 2. Action on Complaint. The EEO Officer will, within ten (10) working days of receipt of the complaint: ~~within ten (10) days of receipt of the complaint:~~
 - a. Investigate and determine the nature and extent of the problem.
 - b. Convene meetings of appropriate personnel, including the complainant, and seek informal resolution of the complaint.
 - c. Notify the complainant in writing of the current status of the complaint and of any further remedial action contemplated.

F. Formal Procedure

- 1. Appeal from the Informal Procedure to the Formal Procedure:
 - a. Written Appeal. If the complainant chooses to appeal the decision of the EEO Officer, a written request for a hearing before the Personnel Review Committee must be filed within ten (10) working days of receipt of the decision. ~~a written request for a hearing before the Personnel Review Committee must be~~

~~filed within ten (10) days of receipt of the decision. The request for a hearing must be filed with the EEO Officer.~~

- b. Notice of Hearing. Within ten (10) working days of receipt of the written request for a hearing, ~~Within ten (10) days of receipt of the written request for a hearing,~~ the EEO Officer will notify the complainant and the respondent of the time and place of the formal hearing before the Personnel Review Committee. The hearing will be scheduled within thirty (30) calendar days of receipt of the written appeal.

~~The hearing will be scheduled within thirty (30) days of receipt of the written appeal.~~

2. Preparation for the Hearing

- a. Complainant's Statement. At least fifteen (15) working days prior to the hearing the complainant must submit to the EEO Officer the following information: ~~At least ten (10) days prior to the hearing the complainant must submit to the EEO Officer the following information:~~ Detailed statement of facts upon which the allegations of discrimination are based; names and addresses and anticipated testimony from witnesses to be called; copies of any documents which will be submitted as evidence; additional materials the complainant wishes the Committee to obtain prior to the hearing; reference to the law or regulation alleged to be violated; specific remedy(ies) requested; preferences for an open or closed hearing; whether he/she will be represented by legal counsel and the identity of the counsel.
- b. Respondent's Statement. At least fifteen (15) working days prior to the hearing the person(s) accused of the discrimination respondent(s) will submit to the EEO Officer the following: ~~At least ten (10) days prior to the hearing~~

~~the person(s) accused of the discrimination respondent(s) will submit to the EEO Officer the following:~~ A statement of facts relevant to the complainant's allegations; names and addresses of witnesses and summary of testimony; copies of documents or other materials to be submitted as evidence.

- c. Legal Counsel Representation. If the complainant chooses to be represented by counsel, the respondent will be represented by City legal counsel.
- d. Forwarding Appeal Documents. The Equal Employment Opportunity Officer will forward copies of the above materials to the members of the Personnel Review Committee at least ten (10) working days prior to the hearing. ~~The Equal Employment Opportunity Officer will forward copies of the above materials to the members of the Personnel Review Committee at least five days (5) days prior to the hearing.~~ At that time the EEO Officer may submit any additional evidence relevant to the complaint.

3. Pre-hearing Conference

- a. ~~At any time prior to the date of the formal hearing the Chairperson of the Personnel Review Committee may call a pre-hearing conference of all Committee members and any other persons (including the complainant).~~

~~At any time within five (5) days prior to the date of the formal hearing the Chairperson of the Personnel Review Committee may call a pre-hearing conference of all Committee members and any other persons (including the complainant).~~

- b. The Committee will discuss and decide the following: Whether the Mayor should be requested to appoint legal counsel to the hearing committee; whether the evidence presented is complete, an additional investigation should be required, or additional witnesses

called; whether the Personnel Review Committee should conduct a meeting of the complainant and other appropriate parties in an effort to settle the complaint without a formal hearing.

c. With concurrence of the majority of the Personnel Review Committee, the Chair may decide to:

- 1) ~~Set aside the hearing date for any period up to ten (10) working days for additional investigation,~~
- 1) ~~Set aside the hearing date for any period up to ten (10) days for additional investigation,~~ to obtain additional witnesses or evidence, or to schedule a settlement conference with the complainant and any other appropriate parties for purposes of settlement of the appeal without a formal hearing.
- 2) Not schedule a formal hearing if there is such a preponderance of evidence to support the allegations of discrimination. The Committee will then issue to the Mayor a formal decision and recommendations reflecting that finding.

4. The Hearing. The formal hearing of the P.R.C. will be presided over by the Chair of the Personnel Review Committee. ~~The hearing will be a non-adversarial proceeding,~~ and strict rules of evidence will not be applied. The Chair will be the final arbiter of all matters of procedure. In the absence of strong reasons to the contrary, preference will be given to the complainant's request for an open or closed hearing.

5. The Decision. ~~Within ten (10) working days of the conclusion of the formal hearing or receipt of the hearing transcript, if a transcript is deemed necessary, the Personnel Review Committee will submit a decision in writing to the Mayor,~~ ~~Within ten (10) working days of the conclusion of the formal hearing the Personnel Review Committee will~~

~~submit a decision in writing to the Mayor,~~
the complainant, the respondent, and the EEO
Officer. The written decision will contain
the following:

- a. A summary of the allegations of the complainant.
 - b. A statement of the relief sought by the complainant.
 - c. Specific citations of any laws or regulations alleged to be violated.
 - d. A statement of the findings of fact and conclusions of the Committee regarding whether the evidence substantiated the allegations of the complainant.
 - e. Recommendations regarding redress of the complainant's grievance as well as policy or procedural changes required in order to preclude further discrimination.
6. Action on Decision. Within ten (10) working days of receipt of the Committee's decision, ~~Within ten (10) days of receipt of the Committee's decision,~~ the Mayor will notify the Committee Chair, the EEO Officer and the complainant in writing of the decision relative to each of the recommendations forwarded by the Personnel Review Committee. The decision will include (1) the actions which have been or will be taken regarding each recommendation; and (2) the time frame in which these actions will be accomplished. The EEO Officer will distribute copies to Committee members and the respondent.
7. Signed Acceptance of Resolution. Prior to implementation of any remedial action approved by the Mayor, the complainant will sign a release indicating acceptance of the proposed remedial action as complete satisfaction for any and all claims or causes of action relative to the complaint.
8. Employees or job applicants bringing a discrimination claim will be informed by the EEO Officer that he/she has 180 calendar days to file a complaint with the Montana Human

~~Rights Commission and 300 calendar days to file a complaint with the Equal Employment Opportunity Commission.~~

~~Employees or job applicants bringing a discrimination claim will be informed by the EEO Officer that he/she has 180 days to file a complaint with the Montana Human Rights Commission and 300 days to file a complaint with the Equal Employment Opportunity Commission.~~

G. Committee Procedures for Discrimination Claim Procedure.

1. Members of the City Attorney's Office and the EEO Officer shall be excluded from membership on the Personnel Review Committee.
2. There shall be no limit to the number of terms each of the members may serve.
3. If one of the members of the P.R.C. is involved in a discrimination claim, the appropriate group (department head or non-union/non-association employee) shall select an interim member.
4. The P.R.C. member selected by the other four members shall act as the Committee's Chairperson.
5. Meetings of the P.R.C. will be on call of the Personnel Office and shall be held at the convenience (when possible) of the Committee members and any other personnel appearing before the Committee.
6. The Equal Employment Opportunity Officer shall act as staff to the P.R.C. He/She shall be responsible for preparing an agenda which sets forth the discrimination claim to be acted upon by the P.R.C.
7. The Equal Employment Opportunity Officer shall be responsible for detailing the agenda topic, having relevant witnesses present, having relevant materials present, and other related testimony necessary to conducting the hearing. He/She shall not "defend" or "prosecute" discrimination claims but rather

serve as a staff member and furnish information necessary for the P.R.C. to act.

8. The P.R.C. shall review and hear all relevant materials, evidence, and testimony during the hearing. Questions may be asked by P.R.C. members at any time during the hearing.
9. Following the hearing, all witnesses and personnel shall be excused. The deliberations of the P.R.C. shall be in private with only those members currently on the P.R.C. ~~shall be in private with only those members currently on the P.R.C.~~ present. The Committee should honestly evaluate discrimination claims and take action it feels necessary regardless of who is involved. The Committee should not only discuss and debate the testimony presented during the hearing but also the consequences of the action(s) they are considering.
10. The P.R.C.'s recommendation on a discrimination claim shall be by a majority vote of its members. Committee members may vote by open or secret ballot, whichever is preferred by the majority.
11. The Equal Employment Opportunity Officer shall be responsible for communicating the P.R.C.'s recommendation to the employee/claimant, Mayor, and other affected City personnel. The Equal Employment Opportunity Officer shall also be responsible for carrying through the actions directed by the P.R.C. and Mayor.
12. P.R.C. members shall treat all testimony and material before them as confidential. Disclosure of material and testimony by P.R.C. members shall be done only when required by further administrative or judicial investigations, proceedings, and/or hearings.
13. Job applicants, personnel, and handicapped persons bringing discrimination claims must do so within the allotted time frame or the claim shall be dismissed.

CHAPTER VIII~~THE FOLLOWING TEXT WAS MOVED~~CHAPTER IX
CAREER DEVELOPMENTSection 09-01 ————— Policy~~A career development program shall be developed and maintained to promote the training and development of City employees to:~~

- ~~A. Improve the quality of personal services rendered to the City.~~
- ~~B. Equip City employees for career advancement within City services.~~
- ~~C. Provide a reservoir of occupational skills necessary to meet current and future employment needs.~~

Section 09-02 ————— Responsibility~~The Personnel Office shall:~~

- ~~A. Initiate, review and analyze the different training programs offered to City employees;~~
- ~~B. Maintain a file containing training literature, programs available, development manuals, and job requirements for City employees;~~
- ~~C. Maintain a record of City employees who have undergone training programs and update the record when new programs are completed; and~~
- ~~D. Coordinate employee development programs that affect more than one department.~~

Section 09-03 ————— Performance Appraisals~~Performance appraisals shall be incorporated into the process of career development for City employees.~~Section 09-04 ————— Employee Preference~~City employees are given preference, if qualified, to position vacancies that open in their department or other departments in the City.~~

~~Section 09-05 - Education Leave~~~~See Chapter V for education leave and benefits.~~~~THE PRECEDING TEXT WAS MOVED~~SAFETY AND WORK CONDITIONSSection 09-01 - Policy

The City of Missoula endeavors to provide safe working conditions for its employees. Administrative Rule #12 delineates the City's Safety and Loss Control Policy. This policy was created to reduce accidents in the work-place. A Safety and Loss Control Committee serves as a watch-dog, coordinator, and liaison for the City's Stop Loss and Safety Program.

Section 09-02 - Employee Responsibility

Each employee is responsible for maintaining safe and healthful working conditions in their work area and promptly reporting unsafe working conditions or practices to their immediate supervisor and/or safety representative.

Section 09-03 - Supervisor/Foreman Responsibility~~Section 08-01 - Policy~~

~~It is the policy of the City that safety comes first. Favorable working conditions shall be observed in all areas of work. The City may develop a Comprehensive Employee Safety and Workers' Compensation Policy that further defines employee and supervisor responsibilities in maintaining a safe work environment.~~

~~Section 08-02 - Employee Responsibility~~

~~Each employee has the responsibility of maintaining safe and healthful working conditions in the area that the employee is performing his/her job functions.~~

~~Section 08-03 - Supervisor/Foreman Responsibility~~

Supervisor/Foreman will work at all times to control injuries, accidents and minimize hazards. ~~accidents and hazards.~~ The supervisor/foreman will:

- A. Assume reasonable responsibility and accountability for safe and healthful working conditions for employees under their jurisdiction.

~~Assume reasonable responsibility and accountability for safe and healthful working~~

~~conditions and for preventable injuries, collisions, and liabilities caused by employees under the supervisor's/foreman's jurisdiction.~~

- B. Make recommendations for the correction of deficiencies present in facilities, work procedures, employee job knowledge, behaviors, or attitudes that adversely affect the safety of the City's employees.
- C. Enforce safety rules and recommend or take appropriate disciplinary action when employees who do not conform to such rules.
- D. Provide instruction and training to employees concerning specific work hazards. ~~or attitudes that adversely affect the City.~~
- ~~C. Enforce safety rules and take appropriate disciplinary action on employees who do not conform to such rules.~~
- ~~D. Provide instruction and training to employees whose jobs have specific work hazards associated with them.~~
- E. Cooperate with inspectors in shutting down operations considered to be a hazard to employees.
- F. Act upon safety suggestions, observe working conditions and methods that prevent possible safety hazards, and set a good example by working safely him/her self.
- G. Investigate the causes of all accidents and take corrective action.
- H. Promptly report all accidents to the appropriate authority regardless of the extent of injury or property damage.

Section 09-04 - Accident Reporting

~~Promptly report all accidents regardless of the extent of injury or property damage.~~

Section 08-04 - Accident Reporting

All City related accidents, personal injury or vehicle, shall be reported on appropriate departmental forms within twenty-four (24) hours to the department head, the Mayor or his/her designee, and the City Attorney's Office.

- A. All vehicle accidents must be immediately reported to the Police Department for their investigation.

~~Section 09-05 - Training~~
~~Section 08-05 - Training~~

- A. Employees who operate City equipment shall possess a valid Montana Operator's Permit and shall take advantage of defensive driving courses offered by the City.
- B. Employees are encouraged to take advantage of training courses offered through the Personnel Office or their departments. Such training courses may include:
1. First aid courses.
 2. ~~Cardio-pulmonary resuscitation courses.~~
~~Cardio-Pulmonary resuscitation courses.~~
 3. Driver safety courses.
 4. Preventive health maintenance courses.
 5. Other courses deemed to be beneficial to City employees by the department heads, Personnel Office or Mayor's Office.

CHAPTER X
PERFORMANCE APPRAISAL

Section 10-01 - Policy

The performance appraisal is intended to stimulate and facilitate discussions between the employee and the supervisor on the performance of job duties and to offer suggestions leading to improvements in the employee's work and possible career development opportunities.

Section 10-02 - Applicable Employees

Performance appraisals shall be completed on regular full-time and regular part-time employees.

Section 10-03 - Scheduling of Appraisals

~~Section 10-01 - Policy~~

~~The performance appraisal is intended to stimulate and facilitate discussions between the employee and the supervisor on the performance of job duties and to offer suggestions leading to improvements in the employee's work.~~

~~Section 10-02 - Applicable Employees~~

~~Performance appraisals shall be completed on permanent full-time and permanent part-time employees.~~

~~Section 10-03 - Period Given~~

- A. Performance appraisals for City employees are required at least once a year.
1. Performance appraisals shall be given to the employee on his/her anniversary date of employment with the City.
 2. Employees who have undergone a reclassification shall be given the performance appraisal on the anniversary date of the promotion.
- B. Performance appraisals shall be given to probationary employees twice during their probation period.
1. The first appraisal shall be given halfway through the probation period.

2. The second appraisal shall be given just prior to the end of the employee's probationary period.

~~Section 10-04 - Appraisal Administration~~
~~Section 10-04 - Appraisal Administration~~

- A. The employee's immediate supervisor shall give the performance appraisal and rate the execution of the duties and responsibilities pertaining to the position held by the employee.
- B. The Mayor, or his/her designated representative, shall give performance appraisals to department heads.
- C. The Mayor shall appraise the representative designated in (B) above.

~~Section 10-05 - Records~~
~~Section 10-05 - Records~~

Performance appraisals shall be forwarded to the Personnel Office which shall include the appraisal in the employee's personnel file.

~~Section 10-06 - Performance Appraisal Form~~
~~Section 10-06 - Performance Appraisal Form~~

- A. Performance appraisals shall be given on forms provided by the Personnel Office. A supervisory guide on conducting appraisals is also available.
 1. Alternate forms may be used by a department which has determined that the City form does not satisfy departmental needs.
 - a. Any alternate form must be approved by the Personnel Office before use commences.

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V. CONCLUSION

A personnel policy manual is a crucial administrative tool to clearly define employment parameters and work rules. "The human resources department plays important roles with respect to work rules, discipline, and work schedules... anticipating and understanding the impact that changes in rules and practices will have on other parts of the system..." (French 1986, p.231). For that reason, the personnel manager for the City of Missoula designed and put into effect a manual in 1982. There had not been a thorough review and revision since that date. During the elapsed time some laws and administrations had changed. The revision process outlined in this paper reflects those necessary changes. It also incorporates a new format in order to create a "user friendly" document which is easy to update. Thus, costs will be considerably lower in the future and employees will have accurate manuals.

The final step in this process, before implementation, is for employee review. The administration will hold a series of meetings to explicate substantial changes. Also, in accordance with City administrative rule policy, the new manual will be posted for fourteen days. An amended copy, as included in this paper, will also be posted to facilitate comment. There will undoubtedly be changes made to the manual during this process, however, the content of this

paper substantiates that changes have been researched, analyzed, and carefully worded.

Only time will tell if the manual is truly "user friendly". As new laws are implemented and administrations change, it will be the duty of the Personnel Officer to continue revising and building on this foundation.

Productive organizations are not stagnant, therefore personnel policy manuals should be reviewed as goals and emphases change within the organization. In several years, the City of Missoula could explore the possibility of streamlining their personnel policies. Some areas for future consideration could include:

- 1) Broadening highly descriptive policies to avoid complicated procedures
- 2) Shortening the time required to make decisions concerning grievances
- 3) Creating less rigid policies to foster more of a "team spirit" in administration.

As stated in the introduction, all readers must consider their specific organizations and use this paper as a stimulant for ideas about format and content of a personnel policy manual. A personnel administrator who uses this paper as a template can only have disastrous results. Organizations and their employees are unique and dynamic. A personnel policy manual must be continually reviewed,

revised, and updated in order to remain an effective administrative tool in the ever changing atmosphere of an organization.

APPENDIX

**RECEIPT FOR PERSONNEL POLICY MANUAL
(TO BE PLACED IN EACH EMPLOYEES PERSONNEL FILE)**

I do hereby certify that I have received a copy of the 1991 CITY OF MISSOULA PERSONNEL POLICY MANUAL and will be responsible for retaining the manual and any updated material during my employment with the City. I understand that:

- 1) New policies and procedures may be introduced into the manual following the posting and notice requirement of the Administrative Rules Ordinance (Number 2232);
- 2) Any new policies and procedures adopted into the manual (see #1 above) will be posted in my department/division and a copy distributed to me so that I may update my copy of the manual;
- 3) When provisions of this manual conflict with the collective bargaining agreement I am governed by, the provision(s) of the collective bargaining agreement shall be the determining policy; and
- 4) The manual does not constitute a contract of employment between the City and myself.

I also understand that if I, at any time, have questions that I can contact the City of Missoula Personnel Office, 435 Ryman Street, Missoula, Montana 59802-4297, Phone: (406) 523-4703 or 523-4730 for further information.

Signed: _____
Employee Department

Name: _____
Please Print Date

**CITY OF MISSOULA
PERSONNEL POLICY MANUAL**

ADOPTED AS ADMINISTRATIVE RULE NO. 4, REPLACING THE PREVIOUS
ADMINISTRATIVE RULE NO. 4, DATED JUNE 2, 1988, ADOPTED
PURSUANT TO THE AUTHORITY GRANTED IN ORDINANCE NUMBER 2232,
PASSED BY THE CITY COUNCIL ON THE 26TH DAY OF OCTOBER, 1981.

SIGNED INTO POLICY ON THE _____ DAY OF _____, 1991.

APPROVED:

DANIEL KEMMIS

MAYOR

Introduction to the Personnel Policy Manual

Format

This manual is divided into chapters and each chapter is divided into specific policies and guidelines. A seven-digit number is assigned to identify the chapter number, the policy or guideline number and the page number.

The number is structured as shown in the following illustration:

01-11-026

01 = Chapter Number.

11 = Policy or Guideline Number within the Chapter.

026= Page Number within the Manual.

Page numbers within this manual may change as new policies and guidelines are adopted, revised or deleted. If new additions exceed the page length of the old policy, then the page number will reflect an alphabetical listing so as not to upset the numbering system of the rest of the manual. An example:

If policy number 01-11-026 is 1 page long and is replaced by a policy which is 3 pages long, the new page numbers will be:

01-11-026

01-11-026a

01-11-026b

This will preclude renumbering the entire manual as additions, revisions or deletions are made to the personnel policy manual.

Proposed additions to this manual will be posted pursuant to the Administrative Rules Ordinance. All new additions will show the effective date the policy or guideline starts.

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CHAPTER I
GENERAL PROVISIONS

Section 01-01 - Purpose

The purpose of this Personnel Policy Manual is to establish a system of personnel administration for the City of Missoula that is efficient, equitable, and functional. This manual is dedicated to merit principles and governs rules, policies and conditions of employment for City personnel. The Personnel Policy Manual, while providing guidelines, should not be construed as a contract between the City of Missoula and its employees.

Section 01-02 - Statement of Non-Discrimination

- A. The City is dedicated to a policy of non-discrimination in which no individual shall be discriminated against with regard to compensation, terms, conditions, or other privileges of employment because of race, ancestry, color, handicap, religion, national origin, sex, age, marital status, creed, ex-offender status, physical condition, political belief, or public assistance status.
- B. The City is committed to Equal Employment Opportunity Guidelines. All provisions of this manual, in regard to employment, shall be administered in accordance with the provisions contained in such Equal Employment Opportunity Guidelines.
- C. Mayor's statement on Affirmative Action.

Policy Statement

The Mayor of the City of Missoula is committed to implement affirmative action to provide all persons equal opportunity for employment without regard to race, color, handicap, religion, creed, national origin, age, marital status, or sex. In keeping with this commitment, we are assigning to all department heads and their staff the responsibility of actively facilitating equal opportunity for present employees, applicants and trainees. This responsibility shall include assurance that employment decisions are based on furthering the principle of equal employment opportunities by imposing only valid requirements for employment and assuring that all personnel actions are administered on the basis of job necessity.

If any section, subsection, sentence, clause, phrase or word of this manual is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this manual. The City hereby declares that it would have put into effect this manual and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this manual should be declared invalid or unconstitutional, then the remaining manual provisions will be in full force and effect.

Section 01-06 - Definitions

For the purpose of this manual, the following terms are defined as below:

Affinity - relationship by marriage.

Appropriate Authority - the Mayor except where such power stated has been delegated to a supervisor or department head.

Authorized - authority that has been delegated by the Mayor.

Cause - employee's conduct, action, or lack of action that has led to disciplinary sanctions directed towards the employee by a supervisor or department head that ranges from a verbal reprimand to job dismissal.

City Officer - one who holds an office of the municipality.

Conflict of Interest - an employee engaging in outside employment or activities that conflict with City interests or the employee's ability to satisfactorily perform his/her duties as a City employee.

Compensatory Time - time spent working for the City by employees not eligible for overtime that is in excess of their regularly scheduled work hours.

Consanguinity - blood relationship; descent from a common ancestor.

Consecutive - employment that regularly lasts from week to week and month to month in a given year.

- Department Head - a City employee who has the powers, duties, and responsibilities of operating and administering a specific department.
- Dismissal - the involuntary termination of employment for reasons other than lack of funds, lack of work, retirement or resignation.
- Division Head - a City employee who has the powers, duties, and responsibilities of operating and administering a specific division within a department.
- Exempt Employee - employees who are by law excluded from the overtime and/or minimum wage provisions of the Fair Labor Standards Act.
- Flex-Time - an adjustment of employee working hours that varies from the regularly scheduled working hours.
- Grievance - a complaint or dispute initiated by a non-union/non-association City employee over the application, meaning, or interpretation of this Personnel Policy Manual, except that layoffs and terminations shall not be considered grievances.
- Immediate Family - parents, grandparents, siblings, children, grandchildren, of the employee or spouse; son-in-law or daughter-in-law, or any individual who has become a permanent member of the employee's household.
- Inefficiency - inadequate performance at work duties as work duties are described in the employee's position job description.
- Leave - authorized time off work for employee use of vacation leave, sick leave, disability leave, leave without pay, holiday leave, military leave, education leave, sabbatical leave, jury duty or serve as a witness leave.
- Mayor - the Chief Executive Officer of the City or his/her designee.
- Non-Exempt Employee - employees who are not excluded from the overtime and/or minimum wage provisions of the Fair Labor

Standards Act.

- Overtime - compensation for non-exempt employees, pursuant to Fair Labor Standards Act, for hours worked in excess of 40 hours in a work week.
- Performance Appraisal - process by which City employees are appraised on the execution of the duties and responsibilities of the employee's position.
- Preference - opportunity for City employees to be considered first for vacant positions (see Section 3-02).
- Probation - the 6-month period from the initial hiring, transfer, demotion, or promotion date during which the work performance and conduct of the employee is appraised to determine whether regular status will be granted.
- Professional Employees - employees employed in a bona fide professional capacity as defined by the Fair Labor Standards Act.
- Resignation - voluntary termination by an employee.
- Retirement - voluntary or physical disability termination of an employee who will receive retirement benefits immediately upon termination.
- Status - See chapter 4 for definitions of employment categories.
- Supervisors - any individual authorized to assign and direct other employees, adjust employees' grievances, discipline other employees, perform performance appraisals, and exercise authority delegated to him/her by his/her department head that is not of a merely routine or clerical nature but requires the use of independent judgment.
- Termination - an employee being separated from employment due to retirement, resignation, temporary nature of the position, or end of term of employment or appointment.
- Transfer - an employee changing employment from one department to another.

CHAPTER II
PERSONNEL ADMINISTRATION

Section 02-01 - Administration

- A. Under Chapter 2.02 of the Missoula Municipal Code, the Mayor is directed to administer all City personnel actions, including the right to establish, administer, and amend the provisions of this manual.
- B. The Mayor has the authority, pursuant to Montana Codes Annotated 7-1-4126 and City of Missoula Ordinance Number 2232, to adopt administrative rules in order to administer City services and to supervise City activities and personnel in a fair and equitable manner.
 - 1. The administrative rules shall be posted for comments in the City Clerk's Office for two weeks prior to adoption. Subsequently, all rules so adopted shall be entered into an administrative code available in the City Clerk's Office.
- C. The provisions of this manual shall not be construed as limiting the power and authority of any City officer, department head, or division head to make departmental rules and regulations governing the performance of employees. Such departmental rules and regulations, however, shall not conflict with provisions of this manual.
- D. Suggestions for amendments to this manual are welcomed at any time from employees covered by the manual's provisions. All suggestions shall be submitted in writing to the Personnel Office.

Section 02-02 - City Council

The City Council shall have the responsibility and authority to participate in personnel administration duties that are authorized by State Statute, City Ordinance, provisions listed in Chapter 2.06 of the Missoula Municipal Code, and provisions listed in this personnel policy manual.

Section 02-03 - Citizen Boards

The policies of this personnel manual shall not conflict with the powers, duties and responsibilities that are reserved, by law, for citizen boards.

Section 02-04 - City Officers/Department Heads/Division Heads

City officers and department/division heads shall have the responsibility to:

- A. Administer the City personnel policies in their department.
- B. Keep employees in their departments informed of current personnel policies.
- C. Administer discipline in accordance with departmental rules and personnel policies set forth in this manual.
- D. Participate in grievance procedures.
- E. Provide the Personnel Office and other appropriate offices with the necessary information for conducting labor negotiations.
- F. Participate in labor negotiations.
- G. Request a position announcement and give appropriate title classification to the Personnel Office.
- H. Make appointments of employees to positions in their departments.

Section 02-05 - Personnel Office

The Personnel Office shall have the responsibility and authority to:

- A. Administer the policies and procedures set forth in this manual.
- B. Keep City officers, department heads, and division heads informed of personnel policies and procedures that affect the operation of their departments.
- C. Keep City officers, department heads, and division heads informed of changes in the manual's policies.
- D. See that Equal Employment Opportunity, Affirmative Action and non-discrimination policies are adhered to.
- E. Maintain a roster of all City employees.

- F. Maintain a job and salary classification plan.
- G. Participate in grievance procedures.
- H. Administer all personnel recruiting activities.
- I. Notify the appropriate advertising agencies when a job vacancy presents itself.
- J. Conduct pre-employment investigations into the qualifications of applicants.
- K. Conduct orientation for new employees.
- L. Maintain personnel records.
- M. Protect the security and confidentiality of all personnel records.
- N. Administer employee benefits including, but not limited to, the employee's health benefit plan, Workers' Compensation, deferred compensation, Public Employees' Retirement System, and employee incentive programs.
- O. Keep updated on appropriate insurance, compensation, and other claims that City employees may bring forth.
- P. Maintain career development and training programs for City employees.
- Q. When possible, conduct exit interviews with City employees who have resigned, retired, terminated, or been dismissed.
- R. Perform all duties designated to the office by the appropriate authority.

CHAPTER III
RECRUITMENT AND SELECTION

Section 03-01 - Policy

- A. In accordance with sound merit principles, recruitment and selection of personnel will go to the most properly qualified persons.
- B. As stated in Chapter One, the City is dedicated to Affirmative Action, non-discrimination, and Equal Employment Opportunity Guidelines.
- C. The City may take advantage of job training programs available in the community.

Section 03-02 - City Employee Preference

Regular full-time, regular part-time, and departmental temporary and seasonal employees, who possess the necessary qualifications for the vacant position, that apply for promotion or transfer, shall be given preference with first consideration given to those employees working in the department where the vacancy exists.

- A. A City employee is allowed to transfer from one department to another provided:
 - 1. There is an authorized position vacancy;
 - 2. The employee is qualified for the position and has applied for it; and
 - 3. The hiring authority deems the applicant possesses the necessary qualifications and selects the applicant.

Section 03-03 - County Employee Preference

In general, no preference will be given to County employees, however, situations covered by interlocal agreements will be considered on a case-by-case basis.

Section 03-04 - Recruitment and Selection Process

The recruitment process will begin when the Personnel Office receives a request from the department/division head in conjunction with a letter of resignation from the employee currently in the position. In the case of a newly created and budgeted position, the recruitment process will begin when the department/division head notifies the Personnel Office.

The department/division head will meet with the Personnel Office to review the job description, status, salary, application deadline, and proposed date of hire based upon budgetary constraints.

A. In-house Recruitment

1. The Personnel Office will then initiate the in-house recruitment process by circulating a position vacancy announcement to all departments for posting.
 - a. The departmental posting period shall be at least five days.
2. All in-house applicants shall be interviewed for the position and be notified in person and in writing as to the basis of the selection decision.
 - a. The department/division head may decide to open the position up to outside applicants and consider the in-house applicants with the total applicant pool.

B. Out-of-house Recruitment

1. If the department/division head decides to recruit outside of the City employee applicant pool, the Personnel Office will advertise the position by sending a position vacancy notice to the following agencies:
 - a. The Missoulian.
 - b. Missoula Job Service.
 - c. Local minority organizations.
 - d. Any other organization that seeks to place itself on the Personnel Office's mailing list.
 - e. Any other publication, newspaper or professional, appropriate to notify potential applicants.
2. After the application deadline, the Personnel Office will give the department head:
 - a. Applications received for the vacant position.

- b. A list of the applicants with those who claim eligible veteran or handicapped preference noted.
 - c. Forms to complete which record the scoring procedure used and minimum qualification requirements.
 3. Upon review of the applications received from the Personnel Office, the department head shall decide which of the applicants to interview for the position based on:
 - a. Screening the applications in accordance with Personnel Office guidelines; maintaining strict adherence to the City's policies and guidelines, Affirmative Action Plan, Equal Employment Opportunity guidelines, Veteran's Preference and Handicapped Preference Laws.
 - b. The Personnel Office must review the list of applicants to be interviewed before the applicants are contacted. The Personnel Office may reject an applicant if:
 - 1) The applicant does not possess the minimum qualifications for the advertised position.
 - 2) The applicant has given false information on the application.
 - 3) The applicant has established an unsatisfactory employment record that demonstrates unsuitability for the position.
 - 4) The applicant is physically, mentally, or otherwise unable to perform effectively the duties of the position.
 4. The department/division head may require a physical examination and/or a written examination for the new employee if the position so requires.
 5. Prior to offering a position to an applicant

the department head must receive approval from the Personnel/EEO Officer and/or Chief Administrative Officer.

6. Any City employee who has been discharged for cause shall not be re-employed without the written authorization of the Mayor.
7. Applications, scoring sheets, interview questions, and all completed paperwork must be returned to the Personnel Office.

Section 03-05 - Council Consent of City Officers

Reserved.

Section 03-06 - Employee Orientation

- A. During the first day on the job each new employee shall be briefed by the appropriate authority on:
 1. City and department policies and procedures that affect the job;
 2. Department structure, goals, and objectives; and
 3. Benefits and compensation offered by the City.
- B. New employees, excluding temporary and seasonal employees, shall be given a copy of "The Blue Book", the employee information handbook.

CHAPTER IV
EMPLOYEE STATUS

Section 04-01 - Status

The following are the statuses that City employees will be listed under:

- A. Probationary Status - is the status of an employee during the period of employment from the initial hiring, transfer, demotion, or promotion date, during which the work performance and conduct of the employee is appraised to determine whether regular status will be granted. The probationary period is six months in length.
- B. Regular Full-Time Status - is the status of an employee who normally works forty hours a week in a position and the work lasts at least ten consecutive months in any twelve-month period.
- C. Regular Part-Time Status - is the status of an employee that has regularly scheduled work assignments that usually include at least twenty hours and less than 40 hours each week and the work lasts for more than ten consecutive months in any twelve-month period.
- D. Temporary Full-Time Status - is the status of an employee who normally works forty hours per week in a position that is created for a definite period of time but not to exceed nine months and the position is not renewable.
- E. Temporary Part-Time Status - is the status of an employee that has regularly scheduled work assignments that usually include at least twenty hours and less than 40 hours each week in a position that is created for a definite period of time but not to exceed nine months and the position is not renewable.
- F. Seasonal Full-Time Status - is the status of an employee who normally works forty hours per week in a position that is created for a definite period of time which is interrupted by the seasonal nature of the position.
- G. Seasonal Part-Time Status - is the status of an employee who normally works a minimum of twenty hours and less than 40 hours per week in a position that is created for a definite period of time which

is interrupted by the seasonal nature of the position.

- H. Special Employment Status - is the status of an employee hired under a specifically funded program for a definite period of time who shall not have regular status and/or an employee who is hired solely on a call-in basis.

Section 04-02- Change of Status

- A. When an employee has undergone a status change, it is the responsibility of the department head to complete an employee status change form and forward the form to the Personnel Office.
1. The Personnel Office shall review, approve, and record the change in the employee's personnel file.
 2. The Personnel Office shall forward a copy of the form to the Payroll Accounting Clerk.
- B. Employees shall notify the Personnel Office of any changes in personnel data.
1. This may be accomplished by submitting a written description of the change in personnel data to the department head or Personnel Office.

CHAPTER V
EMPLOYEE PERSONNEL RECORDS

Section 05-01 - Policy

An employee's personnel file in the Personnel Office is the official City record of employment. Employees may review their own personnel files upon making an appointment with the Personnel Office in advance.

- A. Employees are responsible for the accurate representation of all information and should check the information to ensure accuracy.
 - 1. Changes must be submitted to the Personnel Office in a timely manner on a Status Change Form.

CHAPTER VI
EMPLOYEE BENEFITS

Section 06-01 - Vacation Leave

Regular full-time, regular part-time, temporary full-time, and temporary part-time employees will be eligible to accumulate vacation leave credits from the first day of employment and use them with pay after six months of continuous employment.

- A. Vacation leave credits shall be earned at a yearly rate calculated in accordance with the following schedule where 1 year equals 2,080 hours of work.

40 hours x 52 weeks = 2,080 hours = 1 year

<u>Years Employed</u>	<u>Credits Per Month</u>	<u>Credits Per Year</u>	<u>If part-time, on LWOP or not in employed status portion of pay period</u>
Less than 10	10 hours	120 hours	.058 x No. hours
10 to less than 15	12 hours	144 hours	.069 x No. hours
15 to less than 20	14 hours	168 hours	.081 x No. hours
20 or more	16 hours	192 hours	.092 x No. hours

-
1. Overtime is not counted.
 2. When calculating incomplete pay periods and part-time hours, final figures are rounded off to the hundredth of an hour.
 3. For the purpose of determining years of employment, an employee must be credited with an entire pay period in which he is in a pay status or on an authorized leave of absence with pay, regardless of the number of hours of service in the pay period. (Also refer to Section 06-01-I on Prior Service verification.)

- B. The following rules shall apply to vacation leave:

1. Vacation time taken off shall be recorded to the nearest 1/2 hour when fractions of hours are used.
2. No vacation leave with pay will be granted in advance of credits earned.
3. Vacation leave credits will not accrue in an authorized leave without pay status.

4. Vacation leave can not be used without prior approval of the employee's department/division head.
5. Vacation leave credits may be accumulated to a total not to exceed 2 times the maximum hours earned annually as of the end of the first pay period of the next calendar year.
 - a. Excess vacation time will not be forfeited if taken, or cashed out if retiring, within 90 calendar days from the last day of the calendar year in which the excess was accrued.
6. Employees who have not completed six months continuous employment upon termination may not cash out their vacation credits.

C. Holiday Vacation Leave

Vacation leave taken over a legal holiday will not be charged against the employee's accumulated vacation leave total for the legal holiday.

D. Vacation Leave/Sick Leave

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

E. Employee Termination

An employee who terminates employment is entitled to a lump sum payment at the current salary rate at the time of termination for unused vacation leave provided they have worked the qualifying period of six continuous months.

F. Transferred Employees

If an employee is transferred between departments, the employee will not be entitled to a lump sum payment for accrued vacation leave credits.

1. The department receiving the transferred employee shall assume the liability for the accrued vacation credits earned and transferred with the employee.

G. Donation of Vacation Leave

Employees who are eligible to use vacation leave may donate vacation leave credits (hours) to be used by another employee who does not have sufficient leave credits to remain in an active pay status during an extended absence due to illness or injury. The following rules shall apply:

1. The donation is based on vacation credits, not on rate of pay.
2. The donated credits will be subtracted from the donating employee's vacation credit accumulation and added to the recipient employee's sick leave credit accumulation.
3. Employees may donate vacation credits in any amount if the donation will not reduce their accumulated vacation credit balance to under 80 credit hours. Employees having 80 or fewer vacation credit hours accumulated may donate a maximum of two credits.
4. The donation of credits, once made, can not be rescinded by the donating employee.
5. Credits not used by the recipient employee will be returned to the donating employee when the recipient employee returns to work, completes his/her recuperation, or terminates employment with the City.
6. Employees may receive a combined total of 480 credit hours of donated sick and vacation leave per twelve month period (see Sections 06-01-H, 06-02-H and 06-02-I).

H. Receipt of Donated Vacation Leave

1. Donated vacation leave credits will be credited to the recipient employee's sick leave account.
2. An employee may receive a maximum combined total of 480 hours of donated sick and vacation credits per twelve month period.
3. To be eligible to receive donations of vacation leave credits, an employee:
 - a. Must be eligible to use sick leave (see Section 06-02);
 - b. Have an illness, injury or other qualifying condition, as described in Section 06-02-C, that results in an absence of at least ten

working days;

- c. Must have exhausted all other accrued paid leave and compensatory time;
- d. Have their department head's approval for the leave (the department head may require medical certification);
- e. Must not be eligible for Workers' Compensation benefits;
- f. Must be an employee of the City of Missoula;

I. Prior Service With Another State Agency

City employees who have been employed with another state agency may use that time towards their vacation accrual rate provided:

- 1. They obtain a Certification of Prior Employment Hours For Annual Vacation Leave Rate Earned Form from the Personnel Office.
- 2. The employee sends the form and it is certified by the appropriate state agency.
- 3. When the Personnel Office receives the completed certification form, the employee will receive the additional time towards their vacation accrual rate. For the purpose of determining years of employment, an employee must be credited with an entire pay period in which he is in a pay status or on an authorized leave of absence with pay, regardless of the number of hours of service in the pay period.
- 4. It is the employee's responsibility to furnish all the necessary information to the Personnel Office.

Section 06-02 - Sick Leave

Regular full-time, regular part-time, temporary full-time and temporary part-time employees will be eligible to accumulate sick leave credits from the first day of employment and use them with pay after 90 days of continuous employment.

- A. Sick leave credits shall be earned at a yearly rate calculated in accordance with the following schedule where 1 year equals 2,080 hours of work.

40 hours x 52 weeks = 2,080 hours = 1 year.

Period of Employment

Working Hours Credit

Each 1 year of employment	96
Each 1 month of employment	8
Not in employed status entire pay period, on LWOP, or part-time employee	.046 x hours worked

1. Overtime hours are not counted.
2. When calculating incomplete pay periods and part-time hours, final figures are rounded off to the hundredth of an hour.

B. The following rules shall apply to sick leave:

1. Sick leave time taken will be recorded to the nearest 1/2 hour when fractions of hours are used.
2. No sick leave with pay will be granted in advance of credits earned.
3. Sick leave credits will not accrue in an authorized leave without pay status.
4. Whenever the City Personnel Office or the department/division head has reason to believe that an individual employee might be abusing sick leave, they may request the employee claiming or using sick leave to substantiate their claim.

C. Sick leave may be granted for:

1. Illness
2. Injury,
3. Medical disability;
4. Maternity-related disability; including prenatal care, birth, miscarriage, abortion, or other medical care for either employee or child;
5. Quarantine resulting from exposure to contagious disease;
6. Medical, dental or eye examination or treatment;
7. Necessary care or attendance to an immediate family member or, at the department head's discretion,

another relative, for the above reasons until other attendance can reasonably be obtained; and

8. Death or funeral attendance for an immediate family member or, at the department head's discretion, another person.

D. Holiday/Sick Leave

Sick leave taken over a holiday may not be charged to an employee's sick leave for that day. Exceptions may be made for employees scheduled to work the holiday (i.e. emergency services). Proper medical certification may be required to substantiate such illness.

E. Sick Leave/Vacation Leave

If all sick leave credits have been used, an employee that is eligible to use vacation leave credits will have the option of using accrued vacation leave credits.

F. Termination of Employees

An employee who terminates employment is entitled to a lump sum payment at the current salary rate at the time of termination equal to 1/4 of the pay attributed to the accumulated sick leave provided they have worked the qualifying period of three calendar months.

1. Such termination pay will only apply to those credits earned since July 1, 1971.
2. Abuse of sick leave shall be cause for dismissal and forfeiture of unused sick leave lump sum payment.

G. Transferred Employees

If an employee is transferred between departments, the employee will not be entitled to a lump sum payment for accrued sick leave credits.

1. The department receiving the transferred employee shall assume the liability for the accrued sick leave credits transferred with the employee.

H. Donation of Sick Leave

Employees who are eligible to use sick leave may donate sick leave credits (hours) to be used by another employee who does not have sufficient leave credits to remain in an active pay status during an extended absence due to illness or injury. Donating employees must donate four sick leave credits (hours) for a recipient employee to receive one sick leave credit (hour).

1. The donation is based on sick leave credits, not on rate of pay.
2. Four donated credits will be subtracted from the donating employee's sick leave credit accumulation for every one credit added to the recipient employee's sick leave credit accumulation.
3. Employees may donate up to eighty (80) hours of sick leave during a twelve month period.
4. Employees must have a minimum balance of eighty (80) hours sick leave credit remaining after the contribution.
5. The donation of credits, once made, can not be rescinded by the donating employee.
6. Credits not used by the recipient employee will be returned to the donating employee when the recipient employee returns to work, completes his/her recuperation, or terminates employment with the City.
7. Employees may receive a total of 160 credit hours of donated sick leave and a combined total of 480 hours of sick and vacation leave per twelve month period. (See Sections 06-02-I and 06-01-H)

I. Receipt of Donated Sick Leave

1. One sick leave credit will be added to the recipient employee's sick leave account for every four sick leave credits donated.
2. An employee may receive a total of 160 credit hours of donated sick leave and a maximum combined total of 480 hours of donated sick and vacation credits per twelve month period.

3. To be eligible to receive donations of sick leave credits, an employee:
 - a. Must be eligible to use sick leave (see introduction to Section 06-02);
 - b. Have an illness, injury or other qualifying condition, as described in Section 06-02-C, that results in an absence of at least ten working days;
 - c. Must have exhausted all other accrued paid leave and compensatory time;
 - d. Have their department head's approval for the leave (The department head may require medical certification);
 - e. Must not be eligible for Workers' Compensation benefits;
 - f. Must be an employee of the City of Missoula;

Section 06-03 -

Leave Without Pay

- A. Leave without pay shall be for use as outlined under disability leave, or for up to one month for other valid and good reasons if granted by the department head and the Mayor or his/her designee.
- B. Leave without pay that is not for disability and is in excess of one month shall be granted only with the approval of the employee's department head and the Mayor or his/her designee.
- C. While an employee is on leave without pay or on suspension, no vacation or sick leave credits accrue and service time for retirement will be adjusted accordingly.
- D. When employees remain on leave without pay or on suspension for more than fifteen (15) working days in one twelve month period, service time for longevity and seniority will be adjusted accordingly.
- E. While an employee is on leave without pay or on suspension the City's payment of health, dental, vision, and life insurance premiums stop.
 1. Employees on authorized leave without pay may make arrangements with the Finance Office to personally pay health and dental premiums.

Disability leave shall mean eligible employees using sick leave credits, vacation leave credits, or leave without pay for the purpose of recovering from physical disabilities, including pregnancy and related maternity time off.

- A. Disability leave without pay for up to 90 calendar days for employees in a regular status may be granted by the employee's department head and the Mayor or his/her designee, and must be substantiated by proper medical certification.
 - 1. Extensions beyond 90 calendar days of leave without pay may be granted with the approval of the department head and Mayor or his/her designee.
 - 2. When the period of authorized leave without pay has expired and the employee is unable to return to work, the City is relieved of employment responsibility to the employee.
 - 3. Section 6-03 shall dictate the accrual of benefits during the disability leave without pay.

B. Pregnancy and Maternity Leave.

Pregnancy and maternity leave shall mean eligible employees using sick leave credits, vacation leave credits, or leave without pay for the purpose of recovering from the physical disability associated with the pregnancy and maternity time off.

- 1. Employees shall be granted leave without pay for up to 90 calendar days for pregnancy and maternity leave. This is in addition to any sick leave and/or vacation leave the employee wishes to use.
 - a. Extensions beyond the 90 calendar days may be granted and will be based upon agreement between the employee and her department head and is subject to proper medical certification.
 - b. Section 06-03 shall dictate the accrual of benefits during the leave without pay.
- 2. Employees using sick and vacation leave for pregnancy and related time off that have signified on their written request for disability leave their intention to return to work at the end of the agreed to leave time, shall be reinstated to their

original job, or to an equivalent position with equivalent pay and accumulated seniority, retirement, and other benefits, if and when the employee is physically able to return to work as certified by a licensed physician.

3. Employees using leave without pay for pregnancy and related maternity time off that have signified on the request for disability leave form their intention to return to work at the end of the agreed to leave time, shall be reinstated to their original job, or to an equivalent position with equivalent pay if and when the employee is physically able to return to work as certified by a licensed physician.
4. Employees will be granted a reasonable amount of time off for paternity leave. The paternity leave will be taken from the employee's vacation leave or as leave without pay.
 - a. Under proper medical certification sick leave may be granted for paternity leave.

C. Adoption Leave

Employees will be granted a reasonable amount of time off for adoption procedures which require their presence.

1. The adoption leave will be taken from the employee's vacation leave or leave without pay and will be based upon an amount of time agreed upon by the employee and his/her department head.

Section 06-05 - Military Leave

Military leave shall mean a period of absence from employment occurring either during a war involving the United States or in any other National/State emergency.

- A. Military leave with pay, not to exceed 120 working hours in a calendar year, shall be granted to employees that have been employed continuously for six months, that are members of the organized State Militia, National Guard, unorganized or organized Reserved Corps; or Military Forces of the United States, to attend regular encampments, training courses, and similar programs.

1. This leave will not be charged against the

employee's vacation time.

- B. City employees have the option of taking annual vacation leave or being placed on leave without pay status when ordered to active duty with the State National Guard.
- C. For the purpose of determining the number of years of employment used in vacation leave credits, the period of absence from employment due to a war involving the United States or in any other national emergency and for 90 days thereafter, the period is considered as service if one of the following instances apply:
 - 1. Having been ordered to active duty with the Armed Forces of the United States.
 - 2. Voluntary service on active duty in the Armed Forces or on ships operated by or for the United States Government.
 - 3. Direct assignment to the United States Department of Defense for duties related to National Defense, if leave without pay has been authorized.

The following are legal holidays:

1. New Year's Day, January 1.
2. President's Day, third Monday in February.
3. Memorial Day, last Monday in May.
4. Independence Day, July 4.
5. Labor Day, first Monday in September.
6. Columbus Day, second Monday in October.
7. Veteran's Day, November 11.
8. Thanksgiving Day, fourth Thursday in November.
9. Heritage Day, day after Thanksgiving Day.
10. Christmas Day, December 25.
11. State-wide election day in November of even years.
12. Any day declared a national legal holiday for all governmental subdivisions within the entire nation by the President of the United States; any day declared a state legal holiday for all State and local political subdivisions by the Governor of the State of Montana; any day declared a legal holiday for all City government employees by the Mayor of the City of Missoula.
 - A. All full-time employees shall receive eight (8) hours off with pay for days observed as legal holidays or authorized proclaimed work days off, provided they are in an employed status with pay either the last regularly scheduled working day before or the first regularly scheduled working day after a holiday is observed.
 - B. Any full-time employee who is scheduled for a day off, which is observed as a legal holiday or authorized proclaimed work day off, shall be entitled to receive eight (8) hours off with pay either on the day preceding or the day following; whichever allows a day off in addition to the employee's regularly scheduled day off. Employees under scheduling restrictions shall be allowed to use the holiday hours when the scheduling allows.
 - C. All employees in those departments that are required to remain operational during holidays or proclaimed days

off, or that have a scheduled work week which includes working on holidays or proclaimed days off, shall be given the following scheduled working day off with pay.

1. When an employee works on a holiday or proclaimed day off, the time worked will be recorded as regular time and the day off as holiday time.
- D. Regular part-time and temporary employees shall receive holiday benefits on a prorated basis. Holiday benefits shall be an average of the employee's regularly scheduled work hours in the pay period. To calculate the average, the number of regularly scheduled work hours in the pay period in which the holiday falls, shall be divided by the number of working days in that pay period. Holiday benefits shall not exceed 8 hours.
1. If part-time and temporary employees are not scheduled to work on a holiday they shall take their holiday time off by the end of the following pay period with the department heads authorization. Any diversions from this policy must be authorized by the Personnel Office.

Section 06-07 -

Education Leave

Education leave shall mean employees attending job related courses at an accredited vocational or post-secondary educational institution for up to eight (8) credit hours per academic year.

- A. Education leave with pay may be granted to any employee, with the department head's approval, after 6 months of continuous employment.
- B. The department head shall forward a notice of the education leave to the Personnel Office and to the Mayor (or his/her designee) outlining the length of leave, person(s) involved, and approximate cost to the City.
- C. Employees on education leave will report back to work for the balance(s) of their working day after scheduled classes is/are over and within a reasonable time allowed for travel.
 1. If class times are other than the employee's scheduled working hours, there will be no time off with pay.
- D. The City, upon receiving evidence of satisfactory completion of approved job related courses, will reimburse the employee for tuition and books for up to \$500.00 per fiscal year.

1. Reimbursement of funds to the employee may be subject to City budget constraints.

Section 06-08 - Sabbatical Leave

Reserved.

Section 06-09 - Honoraria

An employee who receives monetary honoraria and reimbursements for lodging, meals and/or travel, when they participate as a speaker, seminar leader or panel member at a workshop or seminar, may keep the monies received and does not need to report the monies collected to the Finance Office if the employee elects to charge the time spent against accrued vacation credits, if the workshop or seminar was held during normal working hours. An employee may keep all monetary honoraria and reimbursements for participating as a speaker, seminar leader or panel member at a workshop or seminar held outside their normal working hours.

Section 06-10 - Jury Duty/Serve as a Witness

- A. An employee under proper summons or subpoena for jury duty or service as a witness shall collect all fees and allowances payable as a result of the duty or service and forward the fees to the Treasurer's Office. The fees will be applied against the amount due the employee from the City for the time off with pay.
 1. Expenses or mileage allowance paid by the court shall not be deducted.
- B. If an employee elects to charge the time off against accrued vacation credits, no fees and allowances paid need be reported to the Finance Office and will not be deducted from the employee's salary for the period of time charged to vacation credits.

Section 06-11 - Unemployment Insurance

Unemployment insurance coverage is provided for all employees eligible to receive it, and is administered through the State Job Service Office.

Section 06-12 - Health and Dental Insurance

The Employee Benefit Plan Fund (hereafter referred to as the Plan) is a self-funded health insurance fund which includes health, dental, orthodontia, vision, and life insurance plans.

Participation in the Plan is available to regular full-time and regular part-time employees and their dependents, as outlined in the respective plans.

- A. The Personnel Office has copies of the policies on file. Employees will be furnished a copy of the Summary Plan Document and all subsequent amendments as they become available. It is the employee's responsibility to seek assistance in interpreting the Summary Plan Document.
- B. The City will pay the same premiums for Plan coverage for all regular full-time employees that are in a full-time working status as of the first day of the month, subject to the Plan.
- C. The City will pay the appropriate Plan premiums for employees on Workers' Compensation for up to but not to exceed one year.
- D. Retired employees and their dependents may stay on the Plan provided they pay the full premiums as required in the Plan. Retirees and their dependents are not eligible for dental and vision benefits.
- E. Regular part-time employees will be eligible for participation in the Plan on a pro-rated premium cost sharing basis with the City according to the schedule below:

<u>Scheduled Hours per Week</u>	<u>City Share</u>	<u>Employee Share</u>
Less than 20	NOT ELIGIBLE	
20 but less than 30	50%	50%
30 but less than 40	75%	25%

F. The Employee Health Insurance Committee is an employee advisory committee which reviews issues concerning the Plan benefits. It shall be comprised of one representative from each bargaining unit and a representative of the non-union employees.

G. **Appealing a Denial of an Insurance Claim**

- 1. To appeal a denial of an insurance claim, a covered person must file a written request for appeal within sixty days of the denial to Intermountain Administrators, the plan supervisors.

2. Employees may appeal a written denial from the plan supervisors by delivering all information regarding the claim to the Personnel Office.
 - a. The Personnel Officer shall then call a meeting of the Health Insurance Review Committee, consisting of the Personnel Officer, Finance Officer, and the Chairperson of the Employee Health Insurance Committee.
 - b. The Health Insurance Review Committee will convene, review all pertinent information, and make a decision whether to deny or accept the claim. The decision by the Committee shall be final.

Section 06-13 - Deferred Compensation

Employees are eligible to participate in the City deferred compensation program. Interested employees should contact the Personnel Office for information.

Section 06-14 - Workers' Compensation Insurance

Workers' Compensation Insurance is provided for all employees to cover injuries arising out of and in the course of their employment.

- A. Employees are responsible for reporting all injuries to their immediate supervisor.
- B. Department heads shall maintain a file containing the rules and procedures to be followed by employees claiming Workers' Compensation benefits.
- C. Department heads will be responsible for immediately reporting employee injuries on the job that result in medical treatment or loss of work time to the Personnel Office.
- D. The administration of benefits received from Montana League of Cities and Towns Workers' Compensation Insurance Trust Program is between the employee and Montana League of Cities and Towns Workers' Compensation Insurance Trust Program.
- E. Employees may not use sick leave while also receiving money from Workers' Compensation.

1. Employees may elect to use vacation leave while recovering from injuries and receiving funds from Workers' Compensation.
- F. Employees shall not accrue vacation or sick leave credits while receiving Worker's Compensation benefits.
- G. Employees who are not able to return to their jobs after six months on Workers' Compensation will be terminated.
1. If they are able to return to work as certified by their physician within two years, they will receive preference for the next available opening in their previous position.
 2. Exceptions can be made by the Mayor or the Mayor's designee. (Refer to H [below] for police exception.)
- H. Pursuant to the Metropolitan Police Act, police officers that are injured in the line of duty will receive additional compensation from the City in an amount equal to the difference between compensation paid by Workers' Compensation and his/her regular take home pay.
1. The calculations on the above City payment will be done by subtracting the officer's Workers' Compensation payment from the officer's adjusted gross salary (less taxes and retirement).
 2. All other personal payment obligations that the police officer may have authorized as payroll deduction payments will be the responsibility of the police officer.
 3. This additional compensation is payable for the first twelve months of disability.

Section 06-15 - Credit Union

All City employees are eligible to join the Missoula Federal Credit Union if membership is approved by the Credit Union.

- A. Membership information may be obtained at the Missoula Federal Credit Union Office.

Section 06-16 - Retirement Systems

The City provides retirement systems for City employees that exclude or are in addition to the social security benefits provided by the Federal government.

These systems include:

- A. The Public Employees' Retirement System.
 - 1. The Personnel Office has a copy on file of the Public Employees' Retirement System.
 - 2. The Fire Department has a copy on file of the Public Employees' Retirement System - Firefighters' Division.
 - 3. The Police Department has a copy on file of the Municipal Police Officers' Retirement System.

Section 06-17 - Employee Incentive Program

The Mayor or his/her designee shall convene a committee consisting of representatives from the City departments. The committee shall recommend programs and the method of administration which the employees support as "incentive programs" to improve morale and efficiency in the work place. The Mayor or designee shall make every effort to implement these programs, subject to budgetary constraints. The three-fold purpose of the program is to:

- A. Set-up a system to reward employees for work beyond their normal job duties.
- B. Provide service pins for years of service with the City.
- C. Provide City-wide recognition for employees who retire.

Section 06-18 - Non-Union Pay Plan

Administrative Rule #5 defines the procedures for compensating non-union employees through a pay plan. It is a ten step pay plan which is based on years of City service.

- A. Employees will be paid twice monthly on the fifth and the twentieth of the month. If the fifth or the twentieth fall on a Saturday, employees will be paid on the preceding Friday. If the normal payday falls on Sunday, employees will be paid on the following Monday.

CHAPTER VII
EMPLOYEE WORK RULES

Section 07-01 - Policy

The following provisions shall apply to all City departments in accordance with or in addition to departmental rules and regulations.

Section 07-02 - Hours of Work

Hours and days of work will vary according to the needs of the departments involved in performing their authorized public service function.

- A. The use of flex-time will be left to department heads, subject to the approval of the Mayor or his/her designee, in setting work schedules for department employees.
- B. Department heads are responsible for the maintenance of daily records of employee attendance and hours of work.
- C. If an employee is unable to be present at the designated working time, he/she must contact his/her supervisor as directed by departmental provisions.
- D. Employees are expected to work their scheduled shifts. Employees leaving the job site without proper authorization will be subject to disciplinary action up to and including dismissal.

Section 07-03 - Overtime

Employees required to work overtime and eligible to receive overtime shall be paid at the rate of 1-1/2 times their current hourly wage for all time worked for the City in excess of 40 hours per week.

- A. Department heads must authorize all overtime.
- B. Employees entitled to overtime compensation have the option of earning and using compensatory time in lieu of overtime compensation.
 - 1. This compensatory time must be used at the earliest available time. It is the department/division head's responsibility to see that compensatory time does not accumulate to more than 40 hours per employee. The Mayor or designee must authorize any diversion from this policy.

Section 07-04 - Compensatory Time

Compensatory time shall be administered by department heads in accordance with the provisions below. Alternate compensatory time plans may be adopted for any department, subject to the approval of the Mayor or his/her designee.

- A. Department heads must authorize all compensatory time.
- B. Supervisory employees and professional employees will be compensated on the basis of an hour off of regularly scheduled work periods for every hour actually spent performing their actual duties on weekends, and/or meetings not scheduled during normal working hours.
- C. The use of compensatory time is subject to department head approval, and must be utilized within sixty days of being earned.
- D. Compensation for employees who are on call:
 1. A minimum of one hour compensatory time is allowed for each call that requires the employee to return to work to perform a City function.
- E. Department heads and professional employees may take compensatory time for work performed that is beyond the normal expectations of their job function; subject to approval of the Mayor.
- F. Employees required to travel on behalf of the City in the course of their work duties may earn compensatory time for the travel time that is in excess of their regularly scheduled work day.
 1. Employees attending educational related classes, seminars, or training sessions may not earn compensatory time for the travel time associated with reaching the class, seminar, or training session unless driving or working while traveling.
- G. Accumulated compensatory time is to be utilized prior to termination of employment with the City. Unused compensatory time accumulated in a supervisory or professional capacity cannot be cashed out by supervisory and professional employees when the employee terminates employment with the city (except Public Safety/Emergency Services personnel).

The following constitute conflict of interest and are grounds for employee dismissal.

- A. Employees engaging in unapproved soliciting or partisan political activity while on the job.
- B. Employees using their position for personal use or to coerce other employees.
- C. Employees, officers or agents or any member of their immediate family or his or her partners maintaining financial interests in profits of any contract or service or other work performed by the City.
- D. Employees using information of a confidential nature to profit financially; or giving such information to people outside City employ who would profit from such information.
- E. Employees maintaining other employment if it conflicts with the interests of the City or the employee's ability to perform his/her job duties in full.

Section 07-06 - Nepotism

No person under service to the City who, by virtue of his/her position, shall have the right to hire or otherwise appoint any person to render services to the City, shall enter into any agreement or promise to do so with such person or persons related to him/her or connected to him/her by consanguinity within the 4th degree, or by affinity within the 2nd degree.

Section 07-07 - Collective Bargaining

Employees have the right of self organization to form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours, fringe benefits, and other conditions of employment, to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion.

- A. Elected officials, persons directly appointed by the Mayor or City Council, executive, administrative, and others that are negotiated as exclusions are exempt from the above right.

Section 07-08 - Residency

City employees are subject to City ordinances or State statutes which limit the geographic location of the employee's residence in order to eliminate unreasonable absences from position duties as a result of inherent problems related to travel distances.

- A. Police officers and firefighters are required to live within a five (5) mile radius of the City limits according to Ordinance No. 2381 passed by the City Council on May 7, 1984.

Section 07-09 - Employee Notification

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

- A. It is the supervisor's responsibility to notify the personnel office immediately of any changes in the above information.
- B. It shall not be the responsibility of the City of Missoula if the information is not current and the employee can not be contacted.

Section 07-10 - Travel and Per Diem

The City's travel and per diem policy is outlined in Administrative Rule #1. This policy is to be strictly adhered to for the reimbursement of expenses that employees incur while authorized to travel on behalf of the City.

Section 07-11 - Probationary Status

- A. Probationary Status - is the status of an employee during the period of employment from the initial hiring, transfer, demotion, or promotion date, during which the work performance and conduct of the employee is appraised to determine whether regular status will be granted. The probationary period is six months in length.
- B. Transfers - When an employee transfers from one position to another or one department to another, the employee shall be required to serve a new six month probationary period, as described in Sections 04-01-A and 07-13-A. Employees shall not lose accrued benefits and may be transferred back to their old position or equivalent thereof if they do not successfully complete the probationary period, subject to the availability of a position.
- C. Demotions - A demoted employee is required to serve a new probationary period at the time of the demotion. The new probationary status will not negate accrued benefits.

- D. Dismissal During Probationary Period - An employee may be dismissed at any time during probation if the employee's performance does not satisfactorily meet the required standards.
1. The employee will be given an oral or written communication outlining the cause(s) for probationary dismissal.
 2. Employees who have undergone a reclassification and are serving a new probationary period shall not lose accrued benefits and may be transferred back to their old job or equivalent thereof if they do not successfully complete the probationary period, subject to the availability of a position.
 3. A probationary period may be extended for up to three months under the following circumstances.
 - a. If an employee has not satisfactorily met the job requirements and the department head is willing to allow more time to meet those standards.
 - b. The Personnel Office must approve the probationary period extension and strict guidelines will be set forth for the extended probationary period.
 - c. If the probationary employee does not meet the standards during the additional time period, they will be dismissed.
- E. Lay offs due to Lack of Funds/Curtailment of Work - Employees may be laid off, without prejudice, at any time due to lack of funds or curtailment of work.
1. No regular full-time employee may be laid off when there are emergency, provisional, temporary, part-time, or probationary employees in the class of work affected by the reduction in work force.
- F. Performance Appraisals - Performance appraisals shall be given to probationary employees twice during their probation period.
1. The first appraisal shall be given halfway through the probation period.
 2. The second appraisal shall be given just prior to the end of the employee's probationary period.

Section 07-12 - Promotions

Promotion to a vacant position will be made from among the most qualified applicants with first consideration given to those within the department or division having the vacancy. Departments shall work with the Personnel Office in developing departmental promotion policies. Refer to Section 07-13 for policies governing promotions and transfers.

Section 07-13 - Transfers

Employees wishing to transfer from one department or position to another must do so in accordance with the in-house recruitment procedures described in Section 03, Recruitment and Selection.

- A. The rate of pay for an employee who has applied for and been selected to fill a position vacancy shall be determined by provisions of Administrative Rule #5, Non-Union Pay Plan, or the appropriate union contract.
- B. At the time of the transfer, the employee shall be required to serve a new six month probationary period, as described in Sections 04-01-A and 07-11.
- C. If the employee does not successfully complete the probationary period, the employee may be dismissed, demoted, or transferred back to their previous position or the equivalent thereof.
- D. Employees who transfer between departments, are not entitled to a lump sum payment for accrued vacation and/or sick leave credits.
 1. The department receiving the transferred employee shall assume the liability for the accrued vacation and sick leave credits earned and transferred with the employee.

Section 07-14 - Demotions

An employee may be demoted when he or she cannot satisfactorily perform the requirements of his or her current position.

- A. The demoted employee is required to serve a new probationary period at the time of the demotion (see Section 07-12).
- B. The new probationary status will not negate accrued benefits.
- C. It is the City's responsibility to notify the demoted employee, within seven (7) days of the demotion, of the City's grievance procedure that provides the opportunity for employees to appeal the demotion. The City shall

Section 07-12 -

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supply the demoted employee with a copy of the procedures.

Section 07-15 - Disciplinary Procedures

Prompt feed-back on performance and constant communication are necessary between supervisors and their employees. In addition, if an employee is not performing his/her duties in a satisfactory manner, it is the responsibility of his/her supervisor to give proper notice and guidance outlining the deficiencies. The following progressive disciplinary procedures shall be utilized:

- A. First Offense: A warning from the employee's supervisor outlining the unsatisfactory job performance and the corrective measures that need to be taken.
 1. The warning shall contain:
 - a. the date and time the warning was given,
 - b. what performance deficiency or violation has occurred,
 - c. the corrective measures that need to be taken,
 - d. the time period the employee has in which to improve their performance or correct their behavior, and
 - e. what further actions will be taken if the employee does not improve their performance or correct their behavior.
 2. Copies of the notice outlining the warning will be forwarded to the employee and to the Personnel Office for placement in the employee's personnel file.
 3. The employee shall have the right to make a written response to the warning and to have that response placed in their personnel file with the warning.
 4. The warning shall remain in effect for six months.
- B. Second Offense: A written reprimand by the employee's department/division head outlining the unsatisfactory job performance and the corrective measures that need to be taken.
 1. The department/division head shall write a letter which states the date, time, and nature of the reprimand and the corrective measures that need to

be taken.

2. Copies of the written reprimand will be forwarded to the employee and to the Personnel Office for placement in the employee's personnel file.
3. The written reprimand will remain in effect for one year for the unsatisfactory job performance stated on the written reprimand form. Further remedial actions, including dismissal, may be taken in this time frame if the unsatisfactory job performance is not corrected.

C. Third Offense: The department head suspends the employee for up to five days for continued unsatisfactory job performance after the employee has been notified through a warning written reprimand that his/her performance is unsatisfactory.

1. The department head shall write a letter stating the date, time, and nature of the suspension and the corrective measures that need to be taken.
2. Copies of the suspension letter will be forwarded to the employee and Personnel Office for placement in the employee's personnel file.
3. Dismissal may be automatic for 3 months following the suspension if the unsatisfactory job performance is not corrected.

D. Fourth Offense: Following the suspension and if the employee's job performance has not been corrected in the 3-month time frame, the department head, with the approval of the Mayor or his/her designee, may dismiss the employee for disciplinary reasons involving violation of work rules, regulations, or other personnel or departmental policies and procedures.

E. It should be understood that depending on the nature and circumstances of the unsatisfactory performance, the department head may use any disciplinary measure appropriate within their judgment. Further, Section 07-16, Dismissals, supersedes 07-15.

Section 07-16 - Dismissals

The Mayor has the authority to dismiss any City employee not covered by dismissal procedures authorized in State law(s), or City ordinance(s) for reasons of cause, lack of funds, or curtailment of work. The Mayor may delegate dismissal powers to department heads. The Mayor may dismiss department heads for reasons of cause. Dismissal of a City officer by the Mayor is subject to City Council

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consent.

A. Dismissal During Probationary Period

Refer to Section 07-11-D

B. Lack of Funds - Curtailment of Work

Employees may be laid off, without prejudice, at any time because of lack of funds or curtailment of work.

1. No regular full-time employee may be laid off when there are emergency, provisional, temporary, part-time, or probationary employees in the class of work affected by the reduction in work force.
2. Department heads will determine the number of employees to be laid off based on where he/she can reduce personnel and still maintain the essential services of the department.
3. In making layoffs, department heads will consider the following when reducing staff:
 - a. Employee's length of service with the City and in their current classification; and
 - b. The job performance (which may be measured by conduct, department, knowledge and ability) of those employees in the classification being reduced during their tenure both with the City and in the classification being reduced.
4. Employees will be given 2 weeks notice of impending layoffs.
5. Laid-off personnel shall receive preference in the department laid off from if and/or when the department rehires employees that were laid off due to lack of funds or curtailment of work.
6. Laid-off personnel no longer accrue sick or vacation leave credits, service time for longevity, retirement, seniority stops and the City payment of health and dental insurance premiums stop.
 - a. Upon approval of the department head, laid-off personnel may carry over sick and vacation leave credits with the City for use upon reemployment. If credits are carried over, time worked from the previous year will count

towards the qualifying periods. Sick and vacation credits must be jointly carried over OR cashed out, but not a combination thereof.

C. Dismissal for Cause

The following non-inclusive reasons are sufficient for dismissal for cause:

1. Incompetence or inefficiency in the performance of duties.
2. Conviction of a criminal offense involving moral turpitude.
3. Violation of any lawful or official regulation or order, or failure to obey any lawful direction made and given by a supervisor where such violation or failure amounts to an act of insubordination or a breach of proper discipline, or has resulted or might reasonably be expected to result in loss or injury to the City or public.
4. Wanton use of offensive conduct language toward the public, City officials or other employees.
5. Carelessness and negligence in the handling and control of City property.
6. Inducing or attempting to induce any City employee to commit an unlawful act or to act in violation of any lawful and reasonable official regulation or order.
7. Taking any fee, gift, or other valuable thing in the course of work or in connection with work, for personal use when such is given with the expectation of receiving a favor or better treatment.
8. Dishonesty in the performance of duty.
9. Unauthorized absence from work.
10. Drinking of alcoholic beverages or using any drug(s) to the extent of affecting job performance as determined by the City.
11. Consumption or use of alcoholic beverages or illegal drugs while at work.
12. Possession, use, distribution, or manufacture of a

controlled substance in the work place.

Section 07-17 - Terminations

- A. Employees leaving City employment, due to resignation or retirement, who desire to leave the service in good standing shall submit a written resignation to their department head two weeks before leaving.
 - 1. These resignations shall be dated, signed, and contain the effective date of resignation.
 - 2. Employees terminated through resignation or retirement shall be paid on the next regular pay day or 15 days from the date of employment separation, whichever occurs first.
- B. Employees who are dismissed for cause are to be paid on the date of termination for all unpaid wages.
- C. All City employees leaving City employment shall turn in all City property in their possession, including keys, on or before their last day of work. A letter from the proper authority substantiating the return must be received by the Personnel Office.

Section 07-18 - Exit Interview

Whenever possible and in fairness to the employee along with protection for the City, the City may conduct an exit interview for all retired, resigned, or dismissed City employees.

- A. The interview will be given by the Personnel Office and will be:
 - 1. Confidential in nature.
 - 2. Scheduled, whenever possible, on the employee's last day.
- B. The Personnel Office shall notify the department head of viable complaints or suggestions that the former employee presented in the interview.

CHAPTER VIII
GRIEVANCE PROCEDURE/DISCRIMINATION CLAIM PROCEDURE

Section 08-01 - Grievance Procedure

The purpose of this section is to establish a uniform City policy for the adjudication of employees' grievances. The policies set forth in this section will apply to all non-union/non-association City employees not governed by a collective bargaining contract.

A. Definition of Grievance

A grievance is defined as a complaint or dispute initiated by a non-union/non-association City employee over the application, meaning or interpretation of this Personnel Policy Manual, except that layoffs and terminations shall not be considered grievances.

B. Retaliation on a Grievance

No City employee shall be subjected to demotion, termination or any other form of punishment or harassment as a result of initiating a grievance under this procedure.

C. Appeal Procedure for Layoffs, Terminations or Demotions

1. In the circumstance of a layoff, termination or demotion of a non-union/non-association employee, the employee has the opportunity to appeal the department head's decision directly to the Mayor for his review within five (5) working days of the department head's decision to layoff, terminate or demote the employee. The Mayor will then have five working days to meet with both the employee and the department head to discuss and try to resolve the grievance that has arisen as a result of the layoff, termination or demotion. In the event that the Mayor is unable to resolve the grievance the Mayor will have an additional five working days to make a decision regarding the grievance. It is the City's responsibility to notify the discharged or demoted employee within seven (7) working days of the date of the discharge or demotion of the existence of such procedures and shall supply the discharged employee with a copy of them.

2. If either the employee and/or department head are dissatisfied with the Mayor's decision, the Mayor will request the Personnel/EEO Officer to contact

two (2) Personnel Officers in the Missoula area (preferably one from a public organization and one from a private organization) to review the grievance. The Personnel/EEO Officer will review the pertinent information with the consultants and the consultants shall have ten (10) working days to offer an opinion on the matter. Once the consultant's opinion has been received by the City Personnel/EEO Officer then he/she will arrange a meeting within five (5) working days with the employee, department head and Mayor to discuss the consultant's opinion. After discussing the grievance with the consultants, employee and department head, the Mayor will make a decision and inform all parties involved in the grievance. The Mayor's decision shall be the final step (or decision) pursuant to the City's grievance procedure.

D. Personnel Review Committee

The Personnel Review Committee (P.R.C.) shall exist for the purpose of adjudicating non-union/non-association employee grievances except layoffs, terminations and demotions. (This Committee shall also investigate non-union/non-association employee and job applicant discrimination claims, see 8.02 C).

1. Composition and Selection of Members

The P.R.C. shall be composed of five members.

Two of the members shall be department heads selected by their peers. One member shall serve a two-year term and the second member shall serve a one-year term. The terms shall start the first Monday in July, 1982, and from every year thereafter the department heads shall select a department head to serve on the committee for a period of two years. Two of the members shall be non-department heads, non-union/non-association employees selected by their peers. One member shall serve a two-year term and the second member shall serve a one-year term. The terms shall start the first Monday in July, 1982, and from every year thereafter the non-department heads, non-union/non-association employees shall select an employee to serve on the committee for a period of two years.

The fifth member of the P.R.C. shall be a non-union/non-association City employee selected by

the other four members during their first meeting. The fifth member's term shall last one year. Each year, after one department head and one non-union/non-association employee have been selected by their peers, the four P.R.C. members shall select the fifth member.

2. Authority of the Committee

The Committee has the authority to (1) require the presence and testimony of witnesses and other evidence held by the City or any City employee; (2) arrange with the EEO Officer for appropriate support to facilitate hearings and investigations; (3) hold pre-hearing conferences; (4) issue hearing orders; (5) hold formal hearings and control conduct of such hearings; (6) make decisions, findings of fact, and recommendations to the Mayor by vote of a majority of the regular members involved in the hearing process.

E. Informal Procedure

A complaint shall first be presented to the grievant's immediate supervisor or department head within five (5) working days of the incident resulting in the complaint. Either party may consult the EEO Officer for informal discussion, investigation or possible resolution. If the supervisor and grievant are unable to resolve the grievance to the latter's satisfaction within five (5) working days after presentation of the grievance, the aggrieved party may proceed with the formal grievance procedure.

F. Formal Procedure

1. The grievant shall state the grievance in writing to the EEO Officer within five (5) working days of the conclusion of the informal attempt at resolution. The complaint shall contain the following:
 - a. Concise statement of facts relevant to the grievance.
 - b. The names of all supervisory personnel with whom the grievance has been discussed and the results of such discussions.
 - c. The remedy sought by the grievant.
 - d. The names of witnesses or persons who can

Speak on behalf of the grievant.

e. Copies of any documents and descriptions of any other physical evidence which may be used to support the grievant's position.

2. The EEO Officer will have ten (10) working days to investigate and attempt to resolve the grievance. If the grievance cannot be resolved at this stage, it will be forwarded to the Personnel Review Committee.

The grievant and respondent will each have five (5) working days to submit a written summary of their positions to the Committee. In addition, the EEO Officer will present a summary of the investigation to the Committee. The summaries shall include a statement of the facts, copies of documents to be submitted as evidence, the remedy sought by the grievant and the steps taken to resolve the grievance informally. Those statements also should name persons each party will call as witnesses at the hearing, along with addresses and telephone numbers. The grievant should specifically request either an open or closed hearing and the reasons for the choice. The grievant and respondent should state any intent to be represented by professional or other counsel and the identity of that individual. If the grievant chooses to be represented by professional or other counsel, the respondent will be represented by City counsel.

3. Within ten (10) working days from receipt of the grievance, the Personnel Review Committee will review the written documents provided by both parties.

The P.R.C. will then schedule a hearing within the ten (10) working days following their review of the materials. The P.R.C. may choose to convene during that time to discuss documents and request additional information from the parties involved. Every attempt will be made to give the parties five (5) working days before the hearing to furnish the additional information. If necessary, the Chair may adjust the hearing date to allow for the necessary five (5) working days.

Hearings will be taped and transcripts made available to either party upon request and payment of a service charge covering the attendant costs.

The Chair will preside at the hearing but will not apply strict rules of evidence or conduct an adversary proceeding. The Chair will be the final arbiter in procedural matters, and in the absence of strong reasons to the contrary, give preference to the grievant's request regarding whether the hearing will be open or closed.

4. The Personnel Review Committee will meet in closed session to make its determination. That decision will be presented to the Mayor within five (5) working days after the hearing or within five (5) working days after receipt of the transcript of the hearing if said transcript is deemed necessary to reach a determination. The Personnel Office will make every attempt to have the transcript available within ten (10) working days of the hearing. The committee's decision will contain a summary statement of the grievant's charges, a statement of the relief sought, a statement of the specific findings of fact and conclusions of the Committee regarding whether the evidence substantiated the grievant's complaint, and recommendations regarding redress of the grievant.
5. The Mayor or his/her designee will respond in writing to the Committee's recommendations within ten (10) working days of receipt of its decision. The response will include any actions which have been or may be taken to resolve the grievance. The Mayor's decision shall be final.

G. Committee Procedures/Rules for Grievance Procedure

1. Members of the City Attorney's office and the EEO Officer shall be excluded from membership on the Personnel Review Committee.
2. There shall be no limit to the number of terms each of the members may serve.
3. If one of the members of the P.R.C. is involved in an employee grievance, the appropriate group (department head or non-union/non-association employee) shall select an interim member.
4. The P.R.C. member selected by the other four members shall act as the Committee's Chairperson.
5. Meetings of the P.R.C. will be on call of the Personnel Office and shall be held at the convenience (when possible) of the Committee

members and any other personnel appearing before the Committee.

6. The Equal Employment Opportunity Officer shall act as staff to the P.R.C. He/She shall be responsible for preparing an agenda which sets forth the grievance to be acted upon by the P.R.C.
7. The Equal Employment Opportunity Officer shall be responsible for detailing the agenda topic, having relevant witnesses present, having relevant materials present, and other related testimony necessary to conducting the hearing. He/She shall not "defend" or "prosecute" grievances but rather serve as a staff member and furnish information necessary for the P.R.C. to act.
8. The P.R.C. shall review and hear all relevant materials, evidence, and testimony during the hearing. Questions may be asked by P.R.C. members at any time during the hearing.
9. Following the hearing all witnesses and personnel shall be excused. The deliberations of the P.R.C. shall be in private with only those members currently on the P.R.C. present. The Committee should honestly evaluate grievances and take action it feels is necessary regardless of who is involved. The Committee should not only discuss and debate the testimony presented during the hearing but also the consequences of the action(s) they are considering.
10. The P.R.C.'s decision on a grievance shall be by a majority vote of its members. Committee members may vote by open or secret ballot, whichever is preferred by the majority.
11. The Equal Employment Opportunity Officer shall be responsible for communicating the P.R.C.'s recommendation to the employee, Mayor, and other affected City personnel. The Equal Employment Opportunity Officer shall also be responsible for carrying through the actions directed by the P.R.C. and Mayor.
12. Personnel bringing grievances must do so within the allotted time frame or the grievance shall be dismissed.

Section 08-02 -

Discrimination Claim Procedure

Introduction

The purpose of this section is to establish a uniform City policy for the investigation of discrimination claims. The policies set forth in this section will apply to all job applicants, City employees, and disabled persons who feel they have been discriminated against in the admission or access to, or treatment or employment in, the programs or activities of the City.

A. Definition of Discrimination Claim

A discrimination claim is defined as any claim by an employee, job applicant, or disabled person who believes he/she has been discriminated against on the basis of race, color, religion, national origin, age, marital status, ancestry, receipt of public assistance, political beliefs, physical or mental handicap, ex-offender status or sex.

B. Definition of Sexual Harassment Claim

Sexual harassment in employment covers a broad spectrum of behavior, ranging from sexual innuendos made at inappropriate times -- perhaps in the guise of humor -- to coerced sexual relations. In its extreme form, sexual harassment occurs when a person in a position of influence over the job or career of others uses his/her authority to coerce another person into sexual relations or to punish that person for rejecting or reporting such advances.

The City of Missoula considers such behavior unacceptable and an abuse of authority. Sexual harassment is, furthermore, a violation of State and Federal equal opportunity and non-discrimination regulations. Employees who are subjected to sexual harassment should contact the EEO Officer. Complaints will be investigated through the established discrimination claim procedures.

Disciplinary action will be taken when instances of sexual harassment are identified and confirmed. Retaliation against persons who file complaints is also a violation of laws prohibiting discrimination and will lead to disciplinary action against offenders.

Supervisors who knowingly condone or knowingly fail to report incidents of harassment will themselves be subject to discipline.

C. Personnel Review Committee.

The Personnel Review Committee (P.R.C.) shall exist for

the purpose of investigating employee, job applicant and handicapped persons' discrimination claims. (This Committee shall also adjudicate non-union/non-association employee grievances (see 8.01 C).

1. Composition and Selection of Members

The P.R.C. shall be composed of five members. Two of the members shall be department heads selected by their peers. One member shall serve a two-year term and the second member shall serve a one-year term. The terms shall start the first Monday in July, 1982, and from every year thereafter the department heads shall select a department head to serve on the Committee for a period of two years. Two of the members shall be non-department heads, non-union/non-association employees selected by their peers. One member shall serve a two-year term and the second member shall serve a one-year term. The terms shall start the first Monday in July, 1982, and from every year thereafter the non-department heads, non-union/non-association employees shall select an employee to serve on the Committee for a period of two years.

The fifth member of the P.R.C. shall be a non-union/non-association City employee selected by the other four members during their first meeting. The fifth member's term shall last one year. Each year, after one department head and one non-union/non-association employee has been selected by their peers, the four P.R.C. members shall select the fifth member.

2. Authority of the Committee

The Committee has the authority to (1) require the presence and testimony of witnesses and other evidence held by the City or any City employee; (2) arrange with the EEO Officer for appropriate support to facilitate hearings and investigations; (3) hold pre-hearing conferences; (4) issue hearing orders; (5) hold formal hearings and control conduct of such hearings; (6) make decisions, findings of fact, and recommendations to the Mayor by vote of a majority of the regular members involved in the hearing process.

D. Jurisdiction of Committee

1. Scope of Jurisdiction. The Personnel Review

Committee has jurisdiction over any complaint of discrimination (other than those which may be initiated under the grievance or discrimination claim procedures in existing collective bargaining agreements). Complaints may be initiated by any City employee, by an applicant for employment with the City, or a handicapped person who has been discriminated against, in the admission or access to or treatment or employment in, the programs or activities of the City.

2. The jurisdiction of the Committee is specifically limited to questions of discrimination. Neither the review process nor the Committee's recommendations should include any substantive matters other than those directly related to discrimination. (For example, the Committee should not consider whether or not an employee should have been promoted but whether the denial of promotion was materially influenced by or resulted from discrimination. If the Committee finds that the employee was a victim of discrimination, the recommendation would not be that the employee be promoted but be reconsidered for promotion in a manner which would preclude discrimination.)
3. Jurisdiction. The Committee generally does not have jurisdiction over a discrimination complaint until the complainant has exhausted the "Informal Procedure" and has initiated an appeal from that procedure in the manner specified. Under the following circumstances the Committee has original jurisdiction over a complaint though the "Informal Procedure" has not been exhausted:
 - a. When the complainant alleges discrimination by the EEO Officer.
 - b. When the complainant demonstrates to the EEO Officer that the complaint may not reasonably be resolved by means of the informal procedure.
 - c. When the EEO Officer originates the appeal.

E. Informal Procedure

1. Initiating the Complaint. Any City employee or applicant for employment who claims to have been unlawfully discriminated against due to any City regulation or policy or the official action of any City employee shall within thirty (30) calendar

days of the alleged discriminatory occurrence, initiate informal complaint proceedings by contacting or writing a letter to the City Equal Employment Opportunity Officer.

2. Action on Complaint. The EEO Officer will, within ten (10) working days of receipt of the complaint:
 - a. Investigate and determine the nature and extent of the problem.
 - b. Convene meetings of appropriate personnel, including the complainant, and seek informal resolution of the complaint.
 - c. Notify the complainant in writing of the current status of the complaint and of any further remedial action contemplated.

F. Formal Procedure

1. Appeal from the Informal Procedure to the Formal Procedure:
 - a. Written Appeal. If the complainant chooses to appeal the decision of the EEO Officer, a written request for a hearing before the Personnel Review Committee must be filed within ten (10) working days of receipt of the decision. The request for a hearing must be filed with the EEO Officer.
 - b. Notice of Hearing. Within ten (10) working days of receipt of the written request for a hearing, the EEO Officer will notify the complainant and the respondent of the time and place of the formal hearing before the Personnel Review Committee. The hearing will be scheduled within thirty (30) calendar days of receipt of the written appeal.

2. Preparation for the Hearing
 - a. Complainant's Statement. At least fifteen (15) working days prior to the hearing the complainant must submit to the EEO Officer the following information: Detailed statement of facts upon which the allegations of discrimination are based; names and addresses

and anticipated testimony from witnesses to be called; copies of any documents which will be submitted as evidence; additional materials the complainant wishes the Committee to obtain prior to the hearing; reference to the law or regulation alleged to be violated; specific remedy(ies) requested; preferences for an open or closed hearing; whether he/she will be represented by legal counsel and the identity of the counsel.

- b. Respondent's Statement. At least fifteen (15) working days prior to the hearing the person(s) accused of the discrimination respondent(s) will submit to the EEO Officer the following: A statement of facts relevant to the complainant's allegations; names and addresses of witnesses and summary of testimony; copies of documents or other materials to be submitted as evidence.
- c. Legal Counsel Representation. If the complainant chooses to be represented by counsel, the respondent will be represented by City legal counsel.
- d. Forwarding Appeal Documents. The Equal Employment Opportunity Officer will forward copies of the above materials to the members of the Personnel Review Committee at least ten (10) working days prior to the hearing. At that time the EEO Officer may submit any additional evidence relevant to the complaint.

3. Pre-hearing Conference

- a. At any time prior to the date of the formal hearing the Chairperson of the Personnel Review Committee may call a pre-hearing conference of all Committee members and any other persons (including the complainant).
- b. The Committee will discuss and decide the following: Whether the Mayor should be requested to appoint legal counsel to the hearing committee; whether the evidence presented is complete, an additional investigation should be required, or additional witnesses called; whether the Personnel Review Committee should conduct a meeting of the complainant and other appropriate parties in an effort to settle the complaint without a

formal hearing.

c. With concurrence of the majority of the Personnel Review Committee, the Chair may decide to:

1) Set aside the hearing date for any period up to ten (10) working days for additional investigation, to obtain additional witnesses or evidence, or to schedule a settlement conference with the complainant and any other appropriate parties for purposes of settlement of the appeal without a formal hearing.

2) Not schedule a formal hearing if there is such a preponderance of evidence to support the allegations of discrimination. The Committee will then issue to the Mayor a formal decision and recommendations reflecting that finding.

4. The Hearing. The formal hearing of the P.R.C. will be presided over by the Chair of the Personnel Review Committee. The hearing will be a non-adversarial proceeding, and strict rules of evidence will not be applied. The Chair will be the final arbiter of all matters of procedure. In the absence of strong reasons to the contrary, preference will be given to the complainant's request for an open or closed hearing.

5. The Decision. Within ten (10) working days of the conclusion of the formal hearing or receipt of the hearing transcript, if a transcript is deemed necessary, the Personnel Review Committee will submit a decision in writing to the Mayor, the complainant, the respondent, and the EEO Officer. The written decision will contain the following:

a. A summary of the allegations of the complainant.

b. A statement of the relief sought by the complainant.

c. Specific citations of any laws or regulations alleged to be violated.

d. A statement of the findings of fact and conclusions of the Committee regarding whether the evidence substantiated the allegations of

the complainant.

e. Recommendations regarding redress of the complainant's grievance as well as policy or procedural changes required in order to preclude further discrimination.

6. Action on Decision. Within ten (10) working days of receipt of the Committee's decision, the Mayor will notify the Committee Chair, the EEO Officer and the complainant in writing of the decision relative to each of the recommendations forwarded by the Personnel Review Committee. The decision will include (1) the actions which have been or will be taken regarding each recommendation; and (2) the time frame in which these actions will be accomplished. The EEO Officer will distribute copies to Committee members and the respondent.
7. Signed Acceptance of Resolution. Prior to implementation of any remedial action approved by the Mayor, the complainant will sign a release indicating acceptance of the proposed remedial action as complete satisfaction for any and all claims or causes of action relative to the complaint.
8. Employees or job applicants bringing a discrimination claim will be informed by the EEO Officer that he/she has 180 calendar days to file a complaint with the Montana Human Rights Commission and 300 calendar days to file a complaint with the Equal Employment Opportunity Commission.

G. Committee Procedures for Discrimination Claim Procedure.

1. Members of the City Attorney's Office and the EEO Officer shall be excluded from membership on the Personnel Review Committee.
2. There shall be no limit to the number of terms each of the members may serve.
3. If one of the members of the P.R.C. is involved in a discrimination claim, the appropriate group (department head or non-union/non-association employee) shall select an interim member.

4. The P.R.C. member selected by the other four members shall act as the Committee's Chairperson.
5. Meetings of the P.R.C. will be on call of the Personnel Office and shall be held at the convenience (when possible) of the Committee members and any other personnel appearing before the Committee.
6. The Equal Employment Opportunity Officer shall act as staff to the P.R.C. He/She shall be responsible for preparing an agenda which sets forth the discrimination claim to be acted upon by the P.R.C.
7. The Equal Employment Opportunity Officer shall be responsible for detailing the agenda topic, having relevant witnesses present, having relevant materials present, and other related testimony necessary to conducting the hearing. He/She shall not "defend" or "prosecute" discrimination claims but rather serve as a staff member and furnish information necessary for the P.R.C. to act.
8. The P.R.C. shall review and hear all relevant materials, evidence, and testimony during the hearing. Questions may be asked by P.R.C. members at any time during the hearing.
9. Following the hearing, all witnesses and personnel shall be excused. The deliberations of the P.R.C. shall be in private with only those members currently on the P.R.C. present. The Committee should honestly evaluate discrimination claims and take action it feels necessary regardless of who is involved. The Committee should not only discuss and debate the testimony presented during the hearing but also the consequences of the action(s) they are considering.
10. The P.R.C.'s recommendation on a discrimination claim shall be by a majority vote of its members. Committee members may vote by open or secret ballot, whichever is preferred by the majority.
11. The Equal Employment Opportunity Officer shall be responsible for communicating the P.R.C.'s recommendation to the employee/claimant, Mayor, and other affected City personnel. The Equal Employment Opportunity Officer shall also be responsible for carrying through the actions directed by the P.R.C. and Mayor.

12. P.R.C. members shall treat all testimony and material before them as confidential. Disclosure of material and testimony by P.R.C. members shall be done only when required by further administrative or judicial investigations, proceedings, and/or hearings.
13. Job applicants, personnel, and handicapped persons bringing discrimination claims must do so within the allotted time frame or the claim shall be dismissed.

CHAPTER IX
SAFETY AND WORK CONDITIONS

Section 09-01 - Policy

The City of Missoula endeavors to provide safe working conditions for its employees. Administrative Rule #12 delineates the City's Safety and Loss Control Policy. This policy was created to reduce accidents in the work-place. A Safety and Loss Control Committee serves as a watch-dog, coordinator, and liaison for the City's Stop Loss and Safety Program.

Section 09-02 - Employee Responsibility

Each employee is responsible for maintaining safe and healthful working conditions in their work area and promptly reporting unsafe working conditions or practices to their immediate supervisor and/or safety representative.

Section 09-03 - Supervisor/Foreman Responsibility

Supervisor/Foreman will work at all times to control injuries, accidents and minimize hazards. The supervisor/foreman will:

- A. Assume reasonable responsibility and accountability for safe and healthful working conditions for employees under their jurisdiction.
- B. Make recommendations for the correction of deficiencies present in facilities, work procedures, employee job knowledge, behaviors, or attitudes that adversely affect the safety of the City's employees.
- C. Enforce safety rules and recommend or take appropriate disciplinary action when employees who do not conform to such rules.
- D. Provide instruction and training to employees concerning specific work hazards.
- E. Cooperate with inspectors in shutting down operations considered to be a hazard to employees.
- F. Act upon safety suggestions, observe working conditions and methods that prevent possible safety hazards, and set a good example by working safely him/her self.
- G. Investigate the causes of all accidents and take corrective action.
- H. Promptly report all accidents to the appropriate authority regardless of the extent of injury or property

damage.

Section 09-04 - Accident Reporting

All City related accidents, personal injury or vehicle, shall be reported on appropriate departmental forms within twenty-four (24) hours to the department head, the Mayor or his/her designee, and the City Attorney's Office.

- A. All vehicle accidents must be immediately reported to the Police Department for their investigation.

Section 09-05 - Training

- A. Employees who operate City equipment shall possess a valid Montana Operator's Permit and shall take advantage of defensive driving courses offered by the City.
- B. Employees are encouraged to take advantage of training courses offered through the Personnel Office or their departments. Such training courses may include:
 - 1. First aid courses.
 - 2. Cardio-pulmonary resuscitation courses.
 - 3. Driver safety courses.
 - 4. Preventive health maintenance courses.
 - 5. Other courses deemed to be beneficial to City employees by the department heads, Personnel Office or Mayor's Office.

CHAPTER X
PERFORMANCE APPRAISAL

Section 10-01 - Policy

The performance appraisal is intended to stimulate and facilitate discussions between the employee and the supervisor on the performance of job duties and to offer suggestions leading to improvements in the employee's work and possible career development opportunities.

Section 10-02 - Applicable Employees

Performance appraisals shall be completed on regular full-time and regular part-time employees.

Section 10-03 - Scheduling of Appraisals

- A. Performance appraisals for City employees are required at least once a year.
 - 1. Performance appraisals shall be given to the employee on his/her anniversary date of employment with the City.
 - 2. Employees who have undergone a reclassification shall be given the performance appraisal on the anniversary date of the promotion.
- B. Performance appraisals shall be given to probationary employees twice during their probation period.
 - 1. The first appraisal shall be given halfway through the probation period.
 - 2. The second appraisal shall be given just prior to the end of the employee's probationary period.

Section 10-04 - Appraisal Administration

- A. The employee's immediate supervisor shall give the performance appraisal and rate the execution of the duties and responsibilities pertaining to the position held by the employee.
- B. The Mayor, or his/her designated representative, shall give performance appraisals to department heads.
- C. The Mayor shall appraise the representative designated in (B) above.

Section 10-05 -

Records

Performance appraisals shall be forwarded to the Personnel Office which shall include the appraisal in the employee's personnel file.

Section 10-06 -

Performance Appraisal Form

- A. Performance appraisals shall be given on forms provided by the Personnel Office. A supervisory guide on conducting appraisals is also available.
 - 1. Alternate forms may be used by a department which has determined that the City form does not satisfy departmental needs.
 - a. Any alternate form must be approved by the Personnel Office before use commences.

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