

CITY OF WHITEFISH PERSONNEL POLICY



(Adopted June 20, 1994)

(Revised version adopted April 5, 2010, by Resolution No. 10-11)

(As amended on July 19, 2010, by Resolution No. 10-25)

(Major revision and update approved October 21, 2013, by Resolution 13-32)

(As amended on January 17, 2017, by Resolution No. 17-05)

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RECEIPT AND ACKNOWLEDGEMENT

It is expressly understood that the City of Whitefish Personnel Policy does not constitute a guarantee of employment or promise of any kind. The City of Whitefish, in its sole discretion, may direct, hire, promote, transfer, assign and retain employees; supervise, discipline, and relieve employees from their duties; determine and change hours of work, shifts, and methods of operation; establish change or abolish its policies, practices, rules and regulations. If you are a covered employee of a Collective Bargaining Agreement (CBA), the terms of the CBA apply whenever inconsistent with this Personnel Policy.

It is understood that the Personnel Policy is issued to inform employees regarding the operating policies of the City of Whitefish. The policy may be changed from time to time at the sole discretion of the City of Whitefish, and is to be used as a guide to City of Whitefish employees in the performance of their duties. Any violation of the policy may result in disciplinary action, up to and including termination.

By signing this statement, the employee acknowledges the City of Whitefish policy has been received and read and that the employee understands the policies contained herein.

Signed _____

Date _____

Print Name _____

Position _____

Effective Date of Employment _____

City of Whitefish Personnel Policy

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INTRODUCTION LETTER

PREFACE A

Welcome New Employee:

The City of Whitefish is pleased that you have joined our organization of professionals. The City of Whitefish is a professional organization providing many valuable municipal services to residents and visitors of the City. Your position has been designed to assist the City of Whitefish with providing these services and your hiring demonstrates we believe you are up to the challenge. We hope you will find this position both rewarding and challenging.

During your probationary period, your employment with the City of Whitefish is at will and may be terminated with or without cause at any time by either you or the City of Whitefish. These policies are not an employment contract. They are designed to provide you general information regarding employment practices and benefits with the City of Whitefish. Policies cannot cover all employment situations, scenarios, or questions, but are designed to cover the basic rules. Policies will be added, updated, or deleted as determined by the City of Whitefish. You are encouraged to submit suggestions or ideas regarding current policies or additional policies to me or to the Human Resources Director.

As you familiarize yourself with the City of Whitefish staff and your new work environment, please note employee bulletin boards displaying the required federal and state postings. The postings are updated from time to time so please be sure to read the board occasionally. If you notice an item that is obsolete or needs updating, please let the Human Resources Director know.

During your first few days working for the City of Whitefish you will probably have general questions regarding our organization and policies. You are encouraged to familiarize yourself with our policies, but do not hesitate to ask your supervisor, the Human Resources Director, or me if you have any questions.

The City of Whitefish staff welcomes you to our team and we hope you enjoy your employment here with us.

Sincerely,



Dana Smith
City Manager
City of Whitefish

CITY/TOWN HISTORY

PREFACE B

The City of Whitefish was originally incorporated in 1905 and advanced from a town to a 3rd Class city in 1911. Whitefish advanced to a 2nd Class city upon the passage of Resolution No. 05-26 on August 15, 2005. The 2010 Census population of Whitefish was 6,357. Our current area is approximately 6.61 square miles without including the area of Whitefish Lake. With Whitefish Lake included, our area is 11.69 square miles.

The City of Whitefish operates under a Charter form of government with an elected Mayor and six-member City Council. There is also an elected Municipal Judge. The City Manager is the Chief Executive of the City and is responsible for administering policy as set by the Mayor and City Council and for the day to day operations.

The City of Whitefish is a full-service city providing police, fire, water, wastewater, stormwater, street maintenance, planning, building inspection, parks and recreation, Municipal Court, and administrative services. We also provide fire services to the Whitefish Fire Service Area which encompasses a large area surrounding Whitefish. The City's elected officials and staff take great pride in the level and quality of services that we provide to citizens and visitors.

1. Administration

- A. The City specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. None of these provisions shall be deemed to create a vested contractual right in any employee, nor to limit the power of the City Council to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.

Under Section 3.03 of the City Charter, the City Manager is directed to administer all City personnel actions.

The City Manager shall be responsible for ensuring the effective administration of these policies and procedures and may delegate such functions as deemed necessary for the implementation of this system. The City Manager may adopt, amend, or rescind written administrative procedures consistent with these rules and procedures. The Manager shall advise the City Council of any administrative changes.

- B. The City Manager, or designee, shall be responsible for directing and coordinating the personnel activities of the City, including the following:
- 1) Preparation of position classification and pay plans, and directing the administration of these plans.
 - 2) Computation of a budget for personnel services for all departments.
 - 3) Recruiting, testing, selecting, and hiring of all City employees.
 - 4) Approving the appointment, promotion, demotion, transfer, discipline, discharge, and other actions affecting persons employed by the City.
 - 5) Supervising, developing, and maintaining the personnel system, including written forms, procedures and records.
 - 6) Maintaining a current roster of all persons employed by the City.
 - 7) Directing employee orientation, training, counseling, and career development in conjunction with department heads.
 - 8) Administering the fringe benefit programs.
 - 9) Providing for performance evaluation reviews of employees.
 - 10) Administering the personnel policies and procedures, including the employee grievance procedures.

- 11) Performing any other lawful acts which are considered necessary or desirable to carry out the purpose of the personnel system and the provisions outlined in these policies.
- C. The provisions of this manual shall not be construed as limiting in any way the power and authority of any department head to make departmental rules and regulations governing the conduct and performance of employees. Such departmental rules and regulations, however, shall not conflict with provisions of these policies.
- D. Suggestions for amendments to these policies are welcomed at any time from employees covered by the policy provisions. All suggested amendments shall be submitted in writing to the City Manager.

2. Definitions

Conflict of Interest – Conflicts of interest for municipal employees arise when a government employee's personal or financial interest conflicts or appears to conflict with his/her official responsibility.

Discipline – Correction, punishment, or penalty. Discipline, when appropriate, is used to bring order to situations where there have been violations of federal, state or local laws and/or violations of City of Whitefish rules and regulations, employee conduct/behavior/performance standards, or City of Whitefish policies.

Exempt Employee¹ - Exempt employees are those who, according to the Fair Labor Standards Act (FLSA), are not covered under the provisions pertaining to minimum wage or overtime pay. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative, or professional capacity. Certain computer professionals are also included in the exemption. In order to be an exempt employee, certain tests relating to duties, responsibilities and salary must be met (see the Human Resources Director for details).

Grievance – An injury, injustice or wrong which gives ground for complaint because it is seen as unjust, discriminatory, or oppressive. Employees file grievances through the Grievance Procedure contained in this policy or pursuant to their Collective Bargaining Agreement.

Hours Worked - Generally include all of the time an employee is on duty at the employer's establishment or at a prescribed work place, as well as all other time during which the employee is suffered or permitted to work for the employer. For overtime calculations, hours worked do not include hours for vacation leave, sick leave, holidays, personal days, workers' compensation, or compensatory time taken. This prior sentence shall only be implemented if such language is applicable to all City employees including those subject to Collective Bargaining Agreements.

Immediate Family - The employee's spouse, any member of the employee's household, or any parent, child, grandparent, or grandchild, and corresponding step or in-law relationships.

¹ Section 13(a)(1) FLSA as defined by Regulations, 29 CFR Part 541.

Independent Contractor - Independent Contractors are not considered employees of the City of Whitefish. Rather, Independent Contractors are those who work on a contract for services basis and must complete work assignments or responsibilities and receive payment (compensation) as identified in the contract. No employee benefits are provided to the Independent Contractor.

Nonexempt Employee - A nonexempt employee is an employee who, according to the FLSA is entitled to receive at least minimum wage and receive overtime pay or overtime compensatory time after the employee has worked 40 hours in a work week. Overtime pay is equivalent to one and one-half times the employee's regular hourly pay for each hour worked over 40 hours worked within the work week.

Regular Full-Time Employee - An employee who normally works 40 hours a week. Regular full-time employees are eligible for all employee benefits.

Regular Part-Time Employee - An employee who normally works less than 40 hours a week. Regular part-time employees who work more than 20 hours per week are eligible for limited medical/dental/vision insurance benefits on a prorated basis.

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

Seasonal Employee² - An employee designated as seasonal at time of hire, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. A seasonal employee may be eligible for limited or prorated benefits.

Sick Leave – Period allowed by an employer to an employee for the employee or the employee's immediate family sickness either with or without pay but with no loss of seniority or other benefits.

Short-term Worker³ - An employee who is hired on a temporary basis for a definite period of time not to exceed 90 days within a 12-month period and will be terminated at the end of the employment period. This employee may perform temporary duties or regular duties on a temporary basis; however, the employee is not eligible to become a regular employee without completing a competitive selection process. The short-term worker is not eligible for any employee benefits including leave, holiday benefits or any insurance benefits.

Temporary Employee⁴ – An employee who is hired on a temporary basis for a definite period of time not to exceed 12 months and will be terminated at the end of the employment period. This employee performs temporary duties or permanent duties on a temporary basis; however, the

² Section 2-18-101 (22), MCA.

³ Section 2-18-101 (23), MCA.

⁴ Section 2-18-101 (26), MCA.

employee is not eligible to become a regular employee without completing a competitive selection process. Temporary employees may be eligible for limited or prorated benefits.

Vacation Leave – A recess or leave of absence; a respite or time of respite from active duty or employment; an intermission or rest period during which activity or work is suspended; a period of freedom from duty or work, but not the end of employment. Vacations do not result in loss of seniority or other benefits.

Workplace Violence – Unjust or unwarranted exercise of force, usually with the accompaniment of vehemence, outrage, or fury. Violence can include unlawfully exercised force, any exertion of physical force so as to injure, damage or abuse, as well as threats by words and/or acts.

3. Diversity and Harassment Prevention

A. Equal Employment Opportunity (EEO)

The City of Whitefish shall comply with all relevant federal and state laws, to include rules and regulations put forth by the Equal Employment Opportunity Commission, (EEOC) and the Montana Human Rights Act. The City ensures equal employment opportunity regardless of race, religion, color, creed, national origin, sex, marital status, veteran/military status, genetic history, political belief, age, sexual orientation or mental/physical disability, (as defined by the ADA), unless such disability effectively prevents the performance of the essential duties required of the position and which are bona fide occupational qualifications that cannot be accommodated without undue hardship to the City.

If an employee believes that they have been subjected to discrimination, including harassment, based upon any of these factors, they should immediately contact their supervisor and pursue corrective action. If the employee feels they need to resolve the problem by filing a grievance, they shall pursue action through the Grievance Procedure stated within this policy manual.

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

The City of Whitefish shall comply with all applicable provisions of the Americans with Disabilities Act ("ADA"), the ADA Amendments Act and equivalent state disability laws. It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job with or without a reasonable accommodation. Consistent with this policy of nondiscrimination, the City will provide reasonable accommodations to a qualified individual with a disability, provided that such accommodation does not constitute an undue

hardship on the City and/or a direct threat to the health and/or safety of the individual or others.

Employees or applicants who believe they need a reasonable accommodation to perform the essential functions of their job should contact the HR Department to request such an accommodation. The City will conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his or her job. The City will then identify possible accommodations, if any, that will help to eliminate the limitation or barrier. If the accommodation is reasonable and will not impose an undue hardship on the City and/or a direct threat to the health and/or safety of the individual or others, the City will make the accommodation.

The City may also propose an alternative accommodation(s). The City is not required to provide the accommodation preferred by the individual, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs, etc.).

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

4. Expectations

The City of Whitefish wants every employee to know what the City of Whitefish expects of them. The policy is designed to inform employees as to what the City of Whitefish expects of them, City of Whitefish policies and procedures, and the Grievance Procedure should employees have a problem.

Employees are expected to treat co-workers, Mayor and Council Members, vendors, colleagues, customers and other business contacts with respect and dignity. Employees are expected to conduct their job functions in a professional, businesslike fashion with minimal interference by other staff members or visitors. Employee attention to responsibilities and work products should be constant, consistent, efficient, and productive. Personal interference or distractions should be kept to a minimum.

The affairs of the City of Whitefish are important and are to be considered a confidential trust, as well as a responsibility. Employee attitude, ability, productivity, and a sense of responsibility are critical aspects of all job descriptions.

Employees of the City of Whitefish may deal with confidential and proprietary information. It is imperative that employees maintain the City of Whitefish's integrity and not discuss City of Whitefish business with people who should not be privy to the information. In some circumstances, City of Whitefish business should be revealed to other City of Whitefish employees on a need-to-know basis. If an employee has questions regarding confidential

information and to whom the information should be revealed, they should consult with the City Manager or designee, or with the City Attorney.

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

5. Lawsuits Against the City of Whitefish

When an employee is approached by a legal process server, they should refer the server to the City Manager and/or their designee or to the City Attorney. If the City Manager or City Attorney is not available and the employee is required to accept service, it is the employee's responsibility to locate and forward the information to either of the authorities listed as soon as possible without opening the documents.

No employee shall discuss aspects of any potential or current lawsuit without first consulting with the City Manager or designee or City Attorney. If an employee is approached for a press release or news quote about a lawsuit, he or she must refer all contacts to the City Manager or designee or to the City Attorney.

6. New Employees

The City of Whitefish provides the opportunity for promotion through in-house hiring procedures. Vacancies are posted in-house for a minimum of five (5) working days prior to advertising outside the City. Nothing in this policy requires the hiring of an in-house applicant and the City may advertise outside the City even if there are in-house applicants.

New employees will complete an informal orientation session with the City Manager and/or designees. The employee will have the opportunity to complete necessary employment forms required by Federal and State law, as well as payroll and withholding information. The City Manager and/or designees will explain in general terms the rules and expectations and provide an overview of the pay and benefit packages offered by the City of Whitefish. The employee is responsible for reading and following the policies established within the policy, including understanding his/her employment classification.

Unless otherwise specified by a Collective Bargaining Agreement or State law, all employees will serve a six-month probationary period. The probationary period allows time for the employee to learn the position as well as time for the supervisor to evaluate the employee's potential and performance. During the probationary period, City of Whitefish reserves the right to terminate an employee with or without cause. The City of Whitefish may extend the probationary period.

7. Employment of Relatives (Nepotism)

No employees will be appointed in a manner inconsistent with the Nepotism laws and definitions as outlined in Title 2, Part 2, Chapter 3, MCA.

8. Authority for Personnel Action

The City of Whitefish reserves the right to direct, hire, promote, transfer, assign and retain employees. The City of Whitefish also reserves the right to supervise, discipline, and relieve employees from their duties for any reason determined sufficient by the City as well as the right to determine and change hours of work, shifts, and operational methods. The City of Whitefish has the sole discretion to change/abolish policies, practices, rules, and regulations

Under Section 3.03 of the City Charter, the City Manager is directed to administer all City personnel actions.

9. Outside Employment

The position held with the City of Whitefish should be the primary position for regular employees. An employee may be subject to disciplinary action if another position interferes in any way with the employee's ability to satisfactorily complete City of Whitefish job duties.

10. Remote Employment

In some situations, subject to City Manager approval, the City of Whitefish may hire employees or allow employees to work in different locations. Remote employment has unique responsibilities and advantages that should not be abused or misused. If a remote employee requests a unique work environment that is deemed unreasonable or creates a situation which the City of Whitefish determines is not workable, the City may require that the employee work out of the appropriate City facility. If the employee cannot do this, the City of Whitefish reserves the right to take other actions as required in accordance with City policies.

11. Pay Plan

11.1 AUTHORITY TO ESTABLISH SALARIES AND WAGES

- A. All salary and wage provisions contained in these policies are subject to the City Council's final approval of the City's annual budget.
- B. The City Manager shall be responsible for the development, administration, and amendments, as required, of a uniform and equitable plan which shall provide equal pay for equal work.

11.2 PAY PLAN

The pay plan shall consist of a salary and wage schedule establishing minimum and maximum rates of pay for all positions. The salary ranges shall be directly linked to the position classification plan and shall be determined with due regard for the following considerations:

- A. Ranges of pay for similar classifications;
- B. Cost of living factors; and
- C. Other benefits received by City employees.

11.3 PAY ADMINISTRATION

- A. Beginning Salary Rate. The minimum rate of pay in the salary and wage range for a position shall normally be paid to any full-time employee upon their initial appointment to the position. Beginning rates of pay in excess of the minimum may be allowed to recruit persons with a higher level of skills or within a short labor supply market area. All beginning salaries and wages in excess of the minimum require the written approval of the City Manager.
- B. Annual Salary Adjustments. Each employee's salary and wages, along with the position's salary range, may be adjusted annually, subject to Council appropriations.
- C. Probationary Period. A new employee's performance shall be evaluated by his or her department or division head six (6) months from his/her date of hire. Upon successful completion of this six (6) month probationary period, the employee shall be granted a salary increase equal to one step in the range of the employee's position. The City may extend the probationary period because of the new employee's failure to complete satisfactorily the initial probationary period.

11.4 RELATED PAY ACTIONS

The following personnel actions shall affect the employee's pay status in the manner provided:

- A. Promotions. When an employee receives a promotion to a position in a higher salary range, the employee shall receive a five percent increase or the entrance rate for the new position, whichever is greater. While promotions may involve a promotion probationary period there is no subsequent one step increase after successful completion of a probationary period as provided in 10.3.C above as those increases are for new employees only. If an employee does not pass his/her promotion probationary period, he/she shall be returned to his/her prior position.

- B. Transfer. When an employee is transferred to a new position in another classification which is the same pay range, the employee's rate of pay will remain the same. When the employee transfers to a new position with a higher or lower pay range, the provisions governing promotion and demotion, as applicable, will rule.
- C. Demotion (Voluntary). Whenever the good of the organization requires the downgrading of any position and the incumbent employee takes a voluntary demotion, the employee will retain his/her current rate of pay or the maximum rate under the range, whichever is lower. Subsequent salary adjustments would be governed by policies of Pay Administration.
- D. Demotion (Involuntary). Whenever the good of the organization requires the downgrading of any position and the incumbent employee receives an involuntary demotion, the employee will receive the pay level for their existing step level in the new pay range.
- E. Temporary Assignment. Any employee temporarily appointed to a vacancy in a higher pay range for twenty-four or more continuous working days shall be compensated at the higher classification rate currently paid for that position. Such compensation shall not result in more than a two-pay range increase at the assigned employee's current step.

11.5 PAYDAYS

Employees covered by the provisions of these policies shall be paid on a bi-weekly basis on the Friday following the end of each bi-weekly pay period. If the payday falls on a holiday, payment shall be made on the preceding regular work day. The City does not provide pay advances.

When an employee is separated from employment, all of the unpaid wages of the employee are due and payable on the employee's next regular payday for the pay period or within 15 days from the separation, whichever occurs first.

11.6 PAYROLL DEDUCTIONS

Currently, the following deductions are made on the basis indicated:

Federal Withholding	Mandatory
State Withholding	Mandatory
Social Security Tax	Mandatory
PERS ⁵ or other Retirement	Mandatory
Medical Insurances ⁶	Mandatory

⁵ The City Council opted not to contribute employer contributions for PERS buy-back of pension benefits pursuant to Resolution No. 06-70.

⁶ New employees shall receive medical/dental/vision insurance beginning on the first day of the month following

Union Dues	Mandatory if applicable
Court ordered payments	Mandatory
Local Credit Unions	Optional
Cafeteria Plan Insurances	Optional
Fitness Club Dues ⁷	Optional

From adoption of this policy and going forward, the City will no longer provide cash payments for employees who waive medical insurance coverage. Existing employees as of the adoption date of this policy who have this benefit shall keep this benefit until their coverage status changes or employment ends.

11.7 COMPENSATION

Every employee covered by the provisions of these policies shall receive a salary or stated compensation determined in accordance with the pay plan. The rates of pay set forth in the pay plan are for full-time employment and represent the salary compensation except as otherwise provided.

- A. Overtime Compensation. Except as provided in collective bargaining agreements and for exempt positions, employees will be compensated for overtime hours worked (see definition of "hours worked"). Compensation for non-exempt employees may be in cash or in compensatory time off as requested by employee. Any hours worked in excess of forty hours in one week constitutes overtime and will be paid at one and one-half times the employee's regular rate of pay. All overtime will be paid in fifteen minute increments.
- 1) Compensatory time off for non-exempt employees will be paid at the rate of one and one-half times the rate for overtime worked. Compensatory time for non-exempt employees may be accrued to a maximum of 60 hours.
 - 2) Overtime or compensatory time shall be subject to the request or approval of the department/division head, or the City Manager. Part-time personnel required temporarily to work full time (forty hours per week) will be compensated as full-time personnel up to forty hours.
- B. Holidays. Except as provided in Collective Bargaining Agreements, if any employee is required to work on any established holiday, eligible employees shall be compensated for the hours worked at the rate of time and one-half, as outlined above. Except for employees required to work on holidays, employees shall take holidays off work - working that day is not an option without advance approval of the City Manager.

their first day of employment. If their first day of employment is also the first day of the month, the employee shall receive those insurances beginning that month.

⁷ Subject to Fitness Club policy and usage requirements.

- C. Termination Sick Leave Pay. Any employee who terminates employment with the City of Whitefish and has passed the 90-day qualifying period is entitled to a lump sum payment equal to one-fourth of the pay attributed to the employee's accumulated sick leave. Abuse of sick leave may result in disciplinary action and termination with forfeiture of cash compensation pay-out for unused leave⁸.
- D. Termination Vacation Pay. When an employee terminates employment for a reason not reflecting discredit on the employee⁹ with the City of Whitefish and has passed the six-month probationary period, all accrued vacation leave shall be paid and included in the final paycheck. Computation of accrued vacation pay shall be on the basis of the employee's regular rate of pay at the time of termination.
- Implementation of vacancy savings (holding the position vacant) to offset termination pay is at the discretion of the City Manager.
- E. Flexible Work Time. When in the best interests of all concerned, and with the prior written approval of the City Manager, an employee or a department may be allowed to arrange their own work schedule and hours of work. Such "flex time" work schedules must comply with the average forty-hour workweek. No employee who works an alternate schedule shall be entitled to a shift differential payment.
- F. Uniform Allowance. Clothing allowances may be provided for in collective bargaining agreements and in the annual budget. Accordingly, uniforms purchased by the City of Whitefish shall remain the property of the City, and in the event an employee leaves the City service shall be returned and received before final salary payment is made.

12. Classification

The classification plan is comprised of a schematic list of classes of positions supported by written specifications setting forth the duties and responsibilities of each class and the qualifications necessary for appointment to a position of that class.

12.1 PURPOSE. The purpose of the classification plan is to:

- A. Provide equal pay for equal work;
- B. Establish qualification standards for recruiting and testing;
- C. Provide appointing authorities with a means of analyzing work distribution, area of responsibility, lines of authority, and other relationships between positions;

⁸ Section 2-18-618 (8), MCA.

⁹ Section 2-18-617 (2), MCA.

- D. Assist appointing authorities in determining budget requirements;
- E. Provide a basis for developing standards of work performance;
- F. Establish lines of promotion;
- G. Indicate training needs; and
- H. Provide uniform titles for positions.

12.2 CLASS

A class shall be comprised of one or more positions that are so similar in the basic character of their duties and responsibilities that the same pay scale, title, and qualification requirements can be applied and the position can be fairly and equitably treated under like conditions for all other personnel purposes. Similar qualification requirements shall be applied to all positions in a class regardless of the department in which the positions are located.

12.3 CLASS SPECIFICATION

The class specification shall state the characteristic duties, responsibilities, and qualification requirements which distinguish a given class from other classes. The specification shall be descriptive, but not restrictive; that is, the class specification shall describe the more typical types of work which may be allocated to a given class, but shall not be construed to restrict the assignment of other duties related to the class.

12.4 ADMINISTRATION OF CLASSIFICATION PLAN

The classification plan shall be established and maintained by the City Manager.

- A. New positions. When a new position is created, the department director shall send the City Manager a request for classification of the position with a description of the applicable duties and responsibilities. After analysis and evaluation of duties and responsibilities, the City Manager shall allocate the position to the proper class, without regard to personal characteristics, abilities, or qualifications of the applicant.
- B. Change of Classification. When the assignment of an employee has changed substantially as to kind and/or level of work, the department director or the supervisor may initiate a request for a change of classification. This should be submitted in writing to the City Manager. If the City Manager determines that the position has changed sufficiently, the reclassification will be considered a change in position, and rules and pay policies applicable to a position change will apply.

13. Performance Appraisals and Job Evaluations

Employee performance evaluations are provided on a regular basis to non-probationary employees. The evaluations report progress and allow correction of any deficiencies, recognize employee strengths and special abilities, provide an opportunity to discuss areas that need improvement. Appraisals and evaluations should provide an ongoing performance record that may be used as a supportive document for personnel actions such as promotions or demotions. They also provide employees an opportunity to discuss personal goals, City of Whitefish goals and means for improvement. Evaluations provide an opportune time to formulate or update employees' job descriptions.

The employee's immediate supervisor or the City Manager or designee will complete the evaluation using the employee's job description and the City of Whitefish personnel policy as the appraisal basis. The employee is encouraged to complete a preliminary self-appraisal to prepare for the evaluation meeting. The employee and the evaluator shall schedule a conference to discuss the employee's job performance and the job description. The conference will provide the opportunity for the employee to work with their supervisor or the City Manager or designee to develop the employee's understanding of the position, annual goals, training needs, budget restraints/needs and improvement plan.

The employee and his/her supervisor or the City Manager or designee will sign and date the evaluation form. If the employee refuses to sign the evaluation form, documentation of his/her refusal will be added to his/her evaluation. The employee's signature will indicate that the employee has reviewed the evaluation with their supervisor or the City Manager or designee and understands the comments contained within the evaluation. If the employee, his/her supervisor or the City Manager or designee do not agree on an evaluation result, the employee may respond in writing within 10 working days and attach the statement to the performance evaluation form.

14. Work at Home or While Traveling out of the Office

Work at home for pay shall be limited at the City of Whitefish because of the service nature of our work. Any work at home for pay shall be approved in writing by the City Manager.

City of Whitefish employees may be required to travel. When working away from the office, it is important for employees to maintain contact with the appropriate City of Whitefish office. Occasionally it may be necessary to get in touch with traveling employees. It is important for the employee to leave an itinerary with appropriate City of Whitefish staff in the event the employee needs to be contacted.

15. Telephone

City of Whitefish telephones and City provided cell phones are to be used for City business. Personal telephone calls should be kept at a minimum and should not interfere with the employee's work. Unless traveling, long distance charges are to be billed to the employee's personal calling card, collect to the call receiver, or to the employee's personal phone. Personal charges/bills to the City of Whitefish shall be the responsibility of the employee. Employees

violating this policy may be subject to disciplinary action. The City of Whitefish expressly reserves the right to monitor employee use of City provided telephones and cell phones.

16. Computer Usage

Use of the City of Whitefish's electronic communications equipment, systems and/or tools is a privilege. Electronic communications equipment should be used for activities that fall within the course and scope of the employee's job duties. Personal computer use that is deemed excessive or inappropriate by the City of Whitefish or computer use that is illegal is prohibited and may result disciplinary action.

Email

Employees are responsible for the content and dissemination of their messages. This responsibility includes ensuring that the employee's messages are accurate, courteous and that the messages do not violate another's right to privacy or confidentiality. If an employee has a question pertaining to the content of an email, the employee should consult with his/her supervisor.

Security

The City of Whitefish owns the contents of all files stored on its systems, all messages transmitted over its systems, and reserves the right to access them. E-mails may be accessed and monitored in the normal course of business by system administrators, supervisors, and support staff. The City of Whitefish expressly reserves the right to monitor employees' use of City equipment or the Internet during hours worked.

17. Personnel Files

The City of Whitefish maintains records on every employee related to their employment with the City. The employee's personnel file may contain information such as employment application/resume or cover letter, performance evaluations, training records, commendations and awards, disciplinary records, and resignation/termination records. Such information may be obtained from the employee or from others. Any information obtained for EEOC compliance (Form EEO-4) and/or any medical information will be kept in separate, confidential files and accessed only on a need-to-know basis as authorized by the City Manager or designee so long as it does not violate any laws, regulations or policies set forth in this policy.

Personnel files are confidential and only accessible to others on a need-to-know basis for personnel action. Upon request to the City Manager or designee or the Human Resources Director, employees may inspect and make copies of their personnel records with the City Manager or designee or the Human Resources Director present. Employees should contact the City Manager or designee or the Human Resources Director to establish a convenient review time.

18. Alcohol-Free and Drug-Free Workplace

PURPOSE AND INTENT:

In compliance with the Drug-Free Workplace Act of 1988, (41 USC Sec. 701, *et seq.*), the City of Whitefish is committed to providing an alcohol-free and drug-free workplace. Employees and the City have a mutual obligation to ensure a safe and healthy work environment. This policy is instituted to ensure that the workplace is free of employees whose job performance may be impaired by the use of controlled substances and/or alcohol. It is recognized that when an employee has placed him/herself in a situation where his/her ability to perform his/her job is impaired by drugs or alcohol, it is the responsibility of the City to remove such employee from the work environment to prevent endangerment of the employee, fellow employees, and/or the public.

Prohibited Behavior

The following is prohibited by the City of Whitefish:

- A. The use of alcohol on City property, while operating a City vehicle, or while conducting City business.
- B. The possession or use of a controlled substance, as defined in 49 CFR Part 40, on City property, while operating a City vehicle, or while conducting City business except where prescribed by a doctor, AND the doctor certifies that the substance will not adversely affect the employee's ability to safely and effectively perform his/her duties.
- C. The sale, transfer, or purchase of a controlled substance, as defined in 49 CFR Part 40, on City property, while operating a City vehicle, or while conducting City business.
- D. Refusal to cooperate in an investigation related to an employee's use of controlled substances or alcohol while on the job.
- E. Failure to notify the City Manager or designee in writing of any conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

An employee who engages in any of the prohibited behavior may be subject disciplinary action up to and including immediate termination.

Procedure

- A. In the event there is cause to believe an employee may be impaired on the job by a controlled substance or alcohol, the employee's supervisor shall interview the employee. The supervisor shall directly observe the employee's behavior and

document the behavior. Indications of impaired behavior include but are not limited to the following: staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment, or unusual or abnormal behavior. When possible, a second managerial employee shall also observe the employee to verify there is cause to believe the employee may be impaired on the job.

- B. If the determination is made that the employee is impaired on the job, the employee shall be immediately relieved of his/her duties and may be subject to disciplinary action up to and including immediate termination.
- C. Each employee engaged in the performance of a grant from any federal agency shall be given a copy of this policy and be notified that, as a condition of employment under the grant, the employee will abide by this policy and notify the City in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction. The City shall notify the federal agency involved, in writing, within ten (10) calendar days after receiving notice from an employee or otherwise receiving actual notice of such conviction. The City shall, within thirty (30) calendar days of receiving notice from any employee who is so convicted:
 - 1) Take appropriate personnel action against said employee, up to and including termination; or
 - 2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by federal, state, or local health law enforcement, or other appropriate agency.
- D. An employee who is the subject of an investigation related to the use of alcohol or controlled substances may have a representative or another employee present during any investigative procedures under taken by the City.
- E. Disciplinary actions taken by the City under this policy shall be subject to the Grievance Procedure.

Education

The City Manager shall carry out educational programs designed to prevent and deter misuse and abuse of alcohol and controlled substances, promote better recognition of the problems of misuse and abuse of alcohol and controlled substances, and assist in the education and training of department heads.

Such educational programs shall be an ongoing awareness program designed to inform employees about:

- A. The dangers of the use of controlled substances in the workplace;
- B. The City's policy of maintaining a drug-free workplace;
- C. Any available counseling, rehabilitation, and employee assistance programs; and
- D. The penalties that may be imposed upon employees for violations of this policy.

Drug and Alcohol Testing for Employees with a CDL

Policy and Procedure

The Federal Highway Administration (FHWA) of the U.S. Department of Transportation has enacted 49 CFR Part 382, 391, 392 and 395, as amended, that mandate urine controlled substance testing and alcohol testing for persons who are subject to Commercial Driver's License (CDL) requirements and perform safety sensitive functions. In 1996, the City adopted the Montana Department of Transportation's alcohol and drug testing policy through Resolution No. 96-1-A. Due to changes in the federal regulations, the City repealed Resolution No. 96-1-A and adopted the following drug and alcohol testing policy for Employees with a Commercial Driver's License. The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from the risks posed by the use of alcohol and prohibited substances.

The City shall comply with the provisions of 49 CFR Part 40 in administering alcohol and controlled substances tests. The City may use a C/TPA to administer any of the tests mandated by this policy. The City shall test for the following controlled substances:

- A. Marijuana metabolites.
- B. Cocaine metabolites.
- C. Amphetamines.
- D. Opiate metabolites.
- E. Phencyclidine (PCP).

Applicability

This policy applies to all employees that are subject to CDL requirements and perform safety-sensitive functions ("Covered Employees"). It applies to on-duty time as well as off-site breaks and lunch periods when an employee is scheduled to return to work.

Definitions

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

Alcohol use means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- A. Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- B. Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or
- C. Is designed to transport 16 or more passengers, including the driver; or
- D. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Consortium/Third party administrator (C/TPA) means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers.

Controlled substances means:

- A. Marijuana metabolites.
- B. Cocaine metabolites.
- C. Amphetamines.
- D. Opiate metabolites.
- E. Phencyclidine (PCP).

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- A. Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
- B. Exclusions.
 - 1) Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - 2) Tire disablement without other damage even if no spare tire is available.
 - 3) Headlight or taillight damage.
 - 4) Damage to turn signals, horn, or windshield wipers which make them inoperative.

Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Refuse to submit (to an alcohol or controlled substances test) means that a driver:

- A. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, after being directed to do so by the City. This includes the failure of a driver to appear for a test when called by a C/TPA;
- B. Fails to remain at the testing site until the testing process is complete. Provided, that driver who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;
- C. Fails to provide a urine specimen for any controlled substance test required by this policy. Provided, that a driver who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

- D. In the case of a directly observed or monitored collection in a controlled substance test, fails to permit the observation or monitoring of the driver's provision of a specimen;
- E. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- F. Fails or declines to take a second test the City or collector has directed the driver to take;
- G. Fails to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process, or as directed by the Designated Employer Representative. In the case of a pre-employment controlled substance test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- H. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- I. Is reported by the Medical Review Officer as having a verified adulterated or substituted test result.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- A. All time at City offices or other City property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- B. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- C. All time spent at the driving controls of a commercial motor vehicle in operation;
- D. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- E. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

- F. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Prohibitions

The City prohibits the following:

- A. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- B. No driver shall use alcohol while performing safety-sensitive functions.
- C. No driver shall perform safety-sensitive functions within four hours after using alcohol.
- D. No driver required to take a post-accident alcohol shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- E. No driver shall refuse to submit to a pre-employment controlled substance test, a post-accident alcohol or controlled substance test required, a random alcohol or controlled substances test required, a reasonable suspicion alcohol or controlled substance test, a return-to-duty alcohol or controlled substances test, or a follow-up alcohol or controlled substance test.
- F. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug or substance identified in 21 CFR 1308.11 Schedule I.
- G. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- H. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

Testing

The City performs the following testing:

- A. Pre-employment testing.
 - 1) **Controlled Substances.** Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances as a condition prior to being used.
 - 2) **Alcohol.** The City may conduct pre-employment alcohol testing. If the City chooses to conduct pre-employment alcohol testing, it will comply with the following requirements:
 - a) The City will conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every Covered Employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).
 - b) The City will treat all safety-sensitive employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., it must not test some Covered Employees and not others).
 - c) The City will conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.
 - d) The City will conduct all pre-employment alcohol tests using the alcohol testing procedures of 49 CFR part 40.
 - e) The City will not allow a Covered Employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.
- B. Post-Accident Testing.
 - 1) **Alcohol.** As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road, the City will test for alcohol for each of its surviving drivers:
 - a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

- b) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- 2) Controlled Substances. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road, the City will test for controlled substances for each of its surviving drivers:
 - a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - b) Who receives a citation within 32 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- 3) Timing. The City will test the employee within two (2) hours of the accident. If testing cannot be accomplished, the City will document the reasons for non-testing. The City will cease attempts to test after eight (8) hours for alcohol testing and thirty-two (32) hours for controlled substance testing.
- 4) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to testing. The City shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

C. Random Testing.

- 1) The minimum annual percentage rates for alcohol and controlled substances testing will be that set by the FMCSA Administrator.
- 2) Random alcohol and controlled substance tests shall be unannounced and shall be spread reasonably throughout the calendar year.
- 3) The City shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the City shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.
- 4) A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

D. Reasonable Suspicion Testing.

- 1) Alcohol.
 - a) The City shall require a driver to submit to an alcohol test when the City has reasonable suspicion to believe that the driver has violated this policy's prohibitions concerning alcohol.
 - b) The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.
 - c) The required observations for alcohol testing will be made by a supervisor or City official who has received at least 60 minutes of training in alcohol misuse and 60 minutes of training on controlled substance use.
 - d) Alcohol testing will be done if the observations required by paragraph A of this section are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. The City will direct the driver to undergo reasonable suspicion testing only while the driver is performing safety-sensitive functions, just before the driver is to

perform safety-sensitive functions, or just after the driver has ceased performing such functions.

- e) If a reasonable suspicion alcohol test is not administered within two hours following the determination under paragraph A of this section, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination under paragraph A of this section, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.
- f) Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the City permit the driver to perform or continue to perform safety-sensitive functions, until:
 - i) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
 - ii) Twenty-four hours have elapsed following the determination under paragraph A of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions concerning the use of alcohol.
- g) The City shall make a written record shall of the observations leading to an alcohol reasonable suspicion test and such record shall be signed by the supervisor or City official who made the observations within 24 hours of the observed behavior or before the results of the alcohol tests are released, whichever is earlier.

2) Controlled Substances.

- a) The City shall require a driver to submit to a controlled substances test when the City has reasonable suspicion to believe that the driver has violated this policy's prohibitions concerning controlled substances.
- b) The City's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The

observations may include indications of the chronic and withdrawal effects of controlled substances.

- c) The required observations for controlled substances testing will be made by a supervisor or City official who has received at least 60 minutes of training on alcohol misuse and 60 minutes of training on controlled substance use.
- d) The City shall make a written record of the observations leading to a controlled substances reasonable suspicion test and such record shall be signed by the supervisor or City official who made the observations within 24 hours of the observed behavior or before the results of the controlled substances tests are released, whichever is earlier.

E. Return-to-Duty and Follow Up Testing.

- 1) A driver who has violated this alcohol and controlled substances policy may not perform any safety-sensitive duties for the City until the driver has completed a Substance Abuse Professional evaluation, referral and education/treatment process. Provided, however, that the City has no duty to provide a Substance Abuse Professional evaluation or any subsequent recommended education or treatment for a driver who has violated this policy.
- 2) If the City determines a driver who has violated this alcohol and controlled substances policy may return to the performance of safety-sensitive duties, the driver is required to take a return-to-duty test. The return-to duty test cannot occur until the Substance Abuse Professional has determined the driver has successfully complied with the prescribed education/treatment.
- 3) If the City determines a driver who has violated this alcohol and controlled substances policy may return to the performance of safety-sensitive functions, the driver shall be subject to unannounced follow up testing as directed by the Substance Abuse Professional which, at the minimum, will occur six times in the first 12 months of safety-sensitive duty following the driver's return to safety-sensitive functions.

Consequences for Violations of the Policy

A. Removal from safety sensitive functions.

- 1) The City shall remove a driver from performing safety-sensitive functions, including driving a commercial motor vehicle, if the City determines the driver has violated this policy.

- 2) The City shall not allow a driver who has engaged in conduct prohibited by this policy to perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has complied with any education/treatment prescribed by a Substance Abuse Professional and passed a return-to-duty test.
 - 3) The City shall not allow any driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions for the City, including driving a commercial motor vehicle, nor shall the City permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the alcohol test.
- B. Discipline. Violation of this policy may result in discipline, up to and including termination.
- C. An employee who violates this policy may be subject to criminal penalties under federal, state and local law.

Education and Training

- A. Controlled substance use and alcohol misuse can have a serious impact on everyone. Either can negatively impact your health, work, personal life and the lives of others. The following information should assist you in identifying individuals at risk and establishing a track to recovery either for yourself or for someone you know.

Effects of drug and alcohol on a person's health, work and personal life.

The following represent some of the potential effects that controlled substance use and alcohol misuse may have on the user:

Workplace

- May cause the employee to feel capable of handling tasks that are too much or too dangerous
- May cause lateness and absenteeism, increasing the workload of others
- May cause crime on the job, including theft of City and personal property
- May cause major errors in the work performed, risking harm to the employee, coworkers and customers

Health

- Neurological problems, including dementia, anxiety and suicide
- Cardiovascular problems, include hypertension
- Increased cancer risk
- Liver diseases, including alcoholic hepatitis and cirrhosis
- Sexual dysfunction

Personal life

- Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love
- If drinking affects your work life, it could lead to job loss and all the financial problems that would follow

Signs and Symptoms of a drug and/or alcohol problem

Any one or more of the following signs may indicate a controlled substance and/or alcohol problem:

- Appears fearful, anxious or paranoid for no reason
- Blackouts or the inability to remember what has happened
- Cold, sweaty palms; shaking hands
- Lack of motivation; appears lethargic or "spaced out"
- Pattern of absenteeism with vague excuses
- Red, watery eyes; pupils larger or smaller than usual; blank stare
- Regular (or daily) use or consumption
- Secretive or suspicious behavior
- Sudden mood swings, irritability or angry outbursts
- Unexplained need for money; stealing money or items

Intervening when a drug or alcohol problem is suspected

There are several good reasons why employees should be concerned if any of their coworkers are using drugs or alcohol on the job:

- The employee and their coworkers' health and safety may be at risk.
- Misuse by one employee may negatively impact the income of another.
- Creates a negative work environment.

No matter what the employee's position is in the City, there are things that can be done to ensure that controlled substance use and alcohol misuse on

the job never becomes a problem at the City. Acceptance of any misuse puts the employee, the City, and the public at risk.

Accordingly, the City requests that any signs or symptoms of controlled substance use or alcohol misuse be reported to the employee's immediate supervisor. Alternatively, employees may report any signs or symptoms to the City Manager or an elected City official.

- B. The City may provide additional educational materials regarding controlled substance use and alcohol abuse as needed.
- C. The City shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this policy and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
- D. The City shall provide written notice to representatives of employee organizations of the availability of this information.
- E. The City shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. The City shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

Confidentiality

- A. The City shall retain records of its alcohol misuse and controlled substances use prevention programs as required by 40 CFR 382.401.
- B. Except as required by law or set forth below, the City shall not release driver information that it maintains except:
 - 1) A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
 - 2) The City shall permit access to its records to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the City or any of its drivers.
 - 3) The City shall disclose information related to its administration of post-accident alcohol or controlled substance test administered following the accident under investigation when requested by the National Transportation Safety Board as part of an accident investigation.

- 4) The City shall make records available to a subsequent employer upon receipt of a written request from a driver.
- 5) The City may disclose information pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding instituted by or on behalf of the individual and arising from a positive alcohol test and/or controlled substance test or a refusal to test (including, but not limited to, adulterated or substituted test results).
- 6) The City may disclose information in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the City to produce the information.

19. Harassment

It is the policy of the City of Whitefish that harassment will not be tolerated. Employees are expected to act in a professional, cooperative, and respectful manner at all times. The City of Whitefish strictly enforces State and Federal anti-discrimination laws that prohibit sexual harassment.

"Sexual harassment" is unwelcome conduct that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment. Sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. The following actions are prohibited:

- Explicitly or implicitly making submission to such conduct a term or condition of employment.
- Using submission to, or rejection of, such conduct by an individual as the basis for employment decisions affecting the individual.
- Such conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment includes **Verbal Harassment** (sexually explicit jokes, comments, innuendoes, etc.), **Physical Harassment** (unwelcome patting, hugging, pinching, grabbing, assault, etc.), **Power Plays** (using position of authority to coerce sexual favors or sexually harassing conduct), or **Non-verbal/Mental Harassment** (sexually explicit posters, unwelcome repeated requests for dates, gesturing, etc.).

Any employee who perceives a conversation or event as harassment, whether the employee is involved or merely observed, should explain to the offender in a calm but firm manner that the action is perceived as inappropriate and that the employee wishes the behavior to stop. If the

harassment continues, or if the employee is unable to or uncomfortable with addressing the offender directly, the employee should report the activity to the employee's supervisor, the City Manager or designee, or in the event these individuals are involved, to the Mayor. The City Manager or designee, the Human Resources Director, or a designated Elected Official will promptly investigate the harassment allegation with due regard for confidentiality. The results of the investigation and the nature of the disciplinary, if any, action will be communicated to the complainant and the offender.

If the complainant or the offender believes the findings were incorrect or the disciplinary action is inappropriate, they shall appeal the decision through the Grievance Procedure. The City of Whitefish will not tolerate retaliation against an employee who makes a good faith report of alleged sexual harassment or participates in a sexual harassment investigation. A follow-up review will be completed within 6 months after harassment allegations have been made to ensure the sexual harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.

20. Resignation/Termination

Employees who wish to voluntarily resign from the City of Whitefish are requested to give a minimum of two weeks written notice. When an employee is separated from employment, all the employee's unpaid wages are due and payable on the employee's next regular payday for the pay period or within 15 calendar days from the separation, whichever occurs first.

Depending on the circumstances surrounding the resignation, employees who resign from the City of Whitefish may be eligible for re-employment. Former employees will be required to complete an application or resume and to proceed through the same hiring procedure as other applicants. A former employee who is re-hired by the City of Whitefish will be considered a new employee and required to complete the probationary period. The employee's date of service will be the date of the subsequent hiring. Participation in the retirement system will be made in accordance with the rules and regulations of the retirement plan, as well as all applicable federal and state laws.

The City Manager or designee have authority to determine if workload, funding or other business factors require terminations via layoff or reductions-in-force (RIF). Whenever possible, employees will be provided at least two (2) weeks advance notification before the layoff or RIF. The insurance company and the Human Resources Director will work to ensure that relevant benefits information is forwarded to the employee at the last known address. Employees must keep the City of Whitefish informed of the address and telephone number where they can be contacted in the event of a recall. If the City of Whitefish is unable to contact an employee within seven (7) days of the recall, the City will have no further obligation to recall that employee. The City of Whitefish will have no obligation to recall the employee if the employee has been on a continual layoff for a period of one (1) year.

Employees terminated by the City of Whitefish will be issued a letter stating the reason for and the effective date of the termination. The terminated employee's final paycheck will be issued within 15 calendar days or the next scheduled pay period, whichever occurs first. Probationary

employees may be discharged for any reason that the City of Whitefish deems appropriate. The City of Whitefish will follow the procedure outlined in the Employee Discipline section to terminate non-probationary employees. An employee terminated for cause does not retain his/her job or benefits pending any grievance appeal but such salary and benefits may be restored retroactively if the employee's appeal is successful.

21. Health and Safety

The City of Whitefish has a safety program which complies with the Montana Safety Culture Act. Relevant safety regulations are addressed by delegating safety responsibilities, establishing procedures, providing training, inspecting workplaces, and providing/requiring the use of safety equipment, etc.

If an employee notices a potential hazard, the employee should alleviate the hazard if the employee is capable and qualified or the employee should promptly refer the problem to a supervisor, the City Manager or designee. Employees must use safe driving habits, wear seat belts, and observe laws regarding electronic devices while traveling in City of Whitefish vehicles. Employees shall not operate or use equipment if they are not authorized or do not have the appropriate licensure.

If an employee sustains an injury while on the job, the employee shall notify his/her supervisor or the City Manager or designee as soon as possible after the injury occurred and prior to leaving work for the day, if possible. As soon as possible following the injury, an Accident Report and appropriate Worker's Compensation forms must be completed and the incident must be documented in writing by the injured employee and/or witnesses. The City of Whitefish maintains Workers' Compensation coverage pursuant to the provisions of the Montana Workers' Compensation Act.

22. Workplace Violence

The City of Whitefish is committed to providing its staff a friendly, courteous, and impartial work environment. The City of Whitefish acknowledges that human relationships are subject to conflict and that some employees may be exposed to violence by the nature of their jobs. The City of Whitefish is committed to maintaining a safe, healthful and efficient work environment in which acts of violence by employees or citizens will not be tolerated.

The City of Whitefish will strive to provide a safe and secure work environment. Employees should avoid or minimize potentially violent situations to protect themselves from harm. If an employee anticipates a particularly confrontational situation, the employee should notify his/her supervisor or the City Manager or designee so that additional security can be arranged. When a situation begins amicably, but turns hostile, employees should try to de-escalate the situation. If de-escalation tactics don't work, the employee should withdraw from the situation. Force should not be used unless it is absolutely necessary for self-defense.

Threats or acts of violence experienced or witnessed should be reported to the employee's supervisor or the City Manager or designee as soon as possible. The City of Whitefish will

promptly investigate any complaint received that pertains to workplace violence. The identity of the person making the complaint shall be protected as much as possible. The City of Whitefish will take appropriate, prompt actions against any individual who engages in any threatening or intimidating behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures. If a City of Whitefish employee has violated this policy, such action may warrant disciplinary action, up to and including termination. If necessary or appropriate, the City of Whitefish will notify the necessary law enforcement personnel and prosecute violators of this policy.

This policy prohibits employees from bringing unauthorized firearms or other weapons (including stun guns, batons, etc.) onto City of Whitefish premises. Employees are also prohibited from carrying unauthorized firearms or other weapons in City of Whitefish vehicles or in personal vehicles if conducting City of Whitefish business.

Employees should promptly inform Human Resources or the City Manager or designee of any protective or restraining order that they have obtained that lists the workplace as a protected area. If there is fear that the domestic violence could result in workplace violence, employees should notify their supervisor or the City Manager or designee immediately so appropriate security measures can be arranged.

23. Time Sheets and Payday

Time sheets for the pay period must be completed by all employees and submitted to their supervisors when they are requested or when payroll needs to be processed. In the event an employee is unavailable to complete and submit his or her time sheet, he or she may complete the time sheet in advance or call the supervisor and relay the information. Time sheets must include the employee's name and hours worked on a daily basis, holiday time, sick leave used, vacation leave used, leave without pay, etc. The employee must sign the time sheets attesting that all time worked and leave used is reported for the period. The employee's supervisor and/or the City Manager or designee will review and sign the time sheets.

City of Whitefish employees are paid bi-weekly. The employee's supervisor or the City Manager or designee will distribute the paychecks to employees, unless electronic transmission of payroll is utilized. If the employee desires to release their pay to another authorized person, they shall notify the Human Resources Director

24. Working Hours/Work Week

Normal working hours for City offices are from 8:00 a.m. to 5:00 p.m. Monday through Friday. Most employees are expected to adhere to this schedule, however alternative schedules may be considered by the City Manager or designee. The workweek begins on Sunday at 12:00 a.m. and end on Saturday at 11:59 p.m.

Hours Worked - generally includes all of the time an employee is on duty at the employer's establishment or at a prescribed work place, as well as all other time during which the employee is suffered or permitted to work for the employer. For overtime calculations, hours worked do

not include hours for vacation leave, sick leave, holidays, personal days, workers' compensation, or compensatory time taken. This prior sentence shall only be implemented if such language is applicable to all City employees including those subject to Collective Bargaining Agreements.

Nonexempt employees working over 40 hours per week will be paid overtime at 1 1/2 times their hourly wage rate. If the supervisor, the City Manager or designee and the employee agree, the non-exempt employee can elect to accumulate compensatory time (comp. time) for use as time-off at a future date at a rate of 1 1/2 times the number of hours worked over the 40-hour work week. Non-exempt employees must receive authorization to work overtime or to accrue comp time hours from their supervisor, prior to working the additional hours. Accumulated comp time hours shall not exceed 60 hours at any time. Any accrued comp time hours will be paid to non-exempt employees upon termination of the employment relationship. Exempt employees do not receive compensatory time for hours worked over 40 hours per week, however they may use flex-time within the same pay period for such hours as work permits.

Lunch periods are generally one hour. If an employee needs to take a longer or shorter lunch hour, it should not interfere with the employee's performance of their duties and coverage of the office hours. Lunch periods are to be taken at a time approved by the supervisors and are staggered among the employees to ensure effective service to the residents of City of Whitefish.

Employees may take one 15-minute break when they are scheduled to work four consecutive hours. Break periods are paid, but may not exceed 15 minutes per four consecutive hour period. There shall be no overtime, additional compensation, or flex-time if employees work through their break periods.

25. Travel and Expense Reports/Reimbursement

All employees shall have their travel approved by the supervisor or the City Manager or designee. All employees traveling on City of Whitefish business are required to have their driver's license with appropriate endorsements for the types of equipment operated.

Employees completing City of Whitefish business may be compensated for travel expenses, meals, mileage, and/or incidental expenses at a rate and on forms established by the City of Whitefish. The employee must submit receipts for lodging, travel, and appropriate ancillaries. If meals are included in tuition, registration fees, or hotel charges, or if only a fraction of the day is authorized for travel, the per diem or expense allowance shall be reduced accordingly.

Employees may be able to use a City of Whitefish vehicle when traveling. Unsafe vehicle conditions or conditions in need of repair must be reported to a supervisor and/or the City Manager or designee immediately. (See the Use of City of Whitefish Vehicles and Equipment section.)

If a City of Whitefish vehicle is not available, employees may use their own vehicle and receive a mileage reimbursement. When employees use their own vehicles for City of Whitefish business, they are required to have proof of liability insurance coverage.

Employees may request an expense advance as approved by the supervisor to offset undue financial hardship on employees traveling for City of Whitefish business. The advance must be justified with reasonable requests for meals, lodging, gasoline cost, public transportation, etc. Pre-approved registration fees and lodging expenses can be paid directly to the training agency or hotel in advance or reimbursed to the employee upon return. After returning from travel, the employee must provide an itemized expense report with attached receipts documenting the expenditures of the trip. If the travel advance exceeds the receipts documenting expenditures, the employee must reimburse the City of Whitefish the difference. Any legitimate balance owed to the employee for receipts exceeding the travel advance will be promptly reimbursed by the City of Whitefish.

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

26. Use of City of Whitefish Vehicles and Equipment

The City of Whitefish shall designate the positions that require the use of City of Whitefish vehicles on a take-home basis. All City of Whitefish vehicles are to be primarily used for business-related purposes and, if possible, are to be available and shared among all employees when needed for business-related travel. Unless authorized, employees shall not use City vehicles for personal business unless such use is minor and incidental to the use for City business. Employees who believe their position warrants the designation of a City of Whitefish vehicle should discuss such during the annual evaluation period or when other budgetary items are reviewed.

Employees using a City of Whitefish vehicle must observe and obey traffic regulations and exhibit care of the vehicle. Employees and other authorized passengers are required to wear seat belts and observe laws related to electronic devices while driving at all times. Vehicles shall be parked in an authorized, or unrestricted, space. When the vehicle is left unattended, the employee must secure the vehicle by rolling-up all windows and locking all of the doors. Employees are prohibited from smoking in the City of Whitefish vehicles.

Employees should report unsafe vehicle conditions or conditions in need of repair to the supervisor or City Manager or designee immediately.

All City-owned facilities, buildings, equipment, motor vehicles, tools, supplies, material, and other items of value, are for the express purpose of carrying out the officially adopted programs and services of the City of Whitefish. No employee or agent of the City shall use any City-owned facility, building, equipment, motor vehicle, tool, supply, material, or other item of value for their personal benefit or for the personal benefit of any other individual unless such action is required in the performance of officially assigned duties.

Vehicle Accidents

When an employee is involved in a motor vehicle accident with a City of Whitefish vehicle, the employee must notify the supervisor or City Manager or his/her designee immediately. The

employee should detail, in writing, the accident and events leading up to the accident. Law enforcement should be contacted to complete an investigation of the accident. Employees must cooperate with, and are permitted to discuss the incident with Emergency Services Personnel, the City Manager or designee, insurance adjusters and law enforcement.

Upon returning to the City of Whitefish office, an account of the accident should be provided in writing to the supervisor or City Manager or designee. The employee may also be asked to assist with completing the necessary forms for insurance claims. The supervisor or City Manager or designee shall conduct an investigation of the facts and events of the accident to determine if disciplinary measures are warranted. Accidents where the City of Whitefish employee was driving or operating machinery under the influence of alcohol or illegal drugs (which is absolutely prohibited) may result in discipline up to and including termination.

27. Holidays

The City of Whitefish observes the same holidays as recognized by the State of Montana.

- January 1 - New Year's Day
- Third Monday in January - Martin Luther King Day
- Third Monday in February – President's Day
- Good Friday¹⁰
- Last Monday in May - Memorial Day
- July 4 - Independence Day
- First Monday in September - Labor Day
- Second Monday in October - Columbus Day
- First Tuesday in November during Congressional/Gubernatorial Election Years - State General Election Day
- November 11 – Veterans' Day
- Fourth Thursday in November - Thanksgiving Day
- Heritage Day – Day after Thanksgiving¹¹
- December 25 - Christmas Day

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

If one or more regular holidays fall in the period of an employee's annual vacation leave, the employee will not be required to use a vacation day on the holiday(s). If a holiday falls on an employee's regularly scheduled day off, the employee will be granted another day off as agreed upon by the employee and their supervisor or the City Manager or designee.

Regular part-time and seasonal employees shall receive a pro rata share of compensation at their regular straight time hourly rate. Holidays are prorated based on the number of hours typically

¹⁰ Resolution B-1000 on October 3, 1983.

¹¹ Resolution 92-36 on November 16, 1992.

scheduled for the part-time employee¹². To figure the holiday benefit, divide the hours of a typical schedule for two weeks by 10 (the number of working days in a pay period).

28. Personal Day

Each regular full-time and regular part-time employee shall earn a Personal Day on July 1st. Regular part-time employees shall earn their personal day on a pro-rata basis just as they receive holiday and vacation hours. Seasonal employees do not earn personal days.

29. Annual Leave/Vacation

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

Eligible employees accrue vacation leave as follows:

Time Worked	Work Day Credit Per Year	Hours per month based on an 8-hour day	Hourly pro-rata
1 day through 10 years	15	10	.058/hour
10 years through 15 years	18	12	.069/hour
15 years through 20 years	21	14	.081/hour
20 years or more	24	16	.092/hour

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

Eligible Temporary and Seasonal employees earn annual leave pro-rated by the hour as shown in the chart above, however they must be employed for six qualifying months before they may use the annual leave.

Short Term Workers do not accrue annual leave.

The maximum annual leave amount accumulated is twice the number of days earned annually at the end of any calendar year. Vacation leave exceeding the maximum amount must be used by April 1st of the next calendar year in which the excess was accrued or it will be forfeited.

¹² ARM 2.21.628.

Requests for annual leave must be submitted in advance and pre-approved by the employee's supervisor or the City Manager or designee. The annual leave may be approved after considering the best interest of the City of Whitefish, the employee's unit, and the employee's request. Employees who need to use annual leave due to extenuating circumstances before they finish the qualifying period may ask their supervisor or the City Manager or designee to grant paid annual leave. Should two employees request the same period of vacation, their supervisor or the City Manager or designee has discretion regarding the approval of the leave requests.

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

30. Sick Leave

All regular full-time employees earn sick leave from the first day of employment; however, they are not entitled to use paid sick leave until they have been employed continuously for the qualifying period of 90 days. Employees who are sick before they finish the qualifying period may ask their supervisor to grant paid sick leave. For calculating sick leave, 2,080 hours (52 weeks X 40 hours) equals one year. Sick leave must be credited at the end of each pay period. Sick leave is earned at a rate of twelve working days for each year of service without restriction as to the number of working days that may be accumulated. Employees may not accrue sick leave while in a leave-without-pay status.

Regular part-time employees earn a prorated amount of sick leave at the rate of 0.046 times the number of hours worked. Full-time Temporary and Seasonal employees are entitled to sick leave benefits provided they work the qualifying period.

Short Term Workers do not accrue leave.

Employees may use sick leave for personal illness or physical incapacity, sickness of immediate family member, or death in the immediate family of employee (for days beyond bereavement leave in Section 39 by mutual agreement with City Manager or designee). Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity/paternity leave, and requests for the employee's presence due to immediate relatives' illness or emergency. A supervisor may require a physician's certificate, or similar evidence to substantiate a sick leave charge of an employee.

An employee, who has passed the 90-day qualifying period and who separates from employment from the City of Whitefish, shall be entitled, upon termination, to cash compensation pay-out for unused leave equal to one-fourth of the accumulated sick leave. The pay-out will be based upon the employee's salary at time of termination.

At the City of Whitefish's request and expense, an employee may be subject to an examination by a physician following a sick leave or other absence occasioned by illness or injury to ensure the employee can perform the necessary functions of the position. Abuse of sick leave may

result in disciplinary action, including termination with forfeiture of cash compensation pay-out for unused leave¹³.

Sick Leave Donations: An employee may, at his or her discretion, donate not more than 80 hours of his or her available sick leave and/or vacation credits to another employee in any calendar year who is in need and has exhausted his or her own sick and annual leave due to the employee's personal or family illness, accident, or maternity leave. The sick leave donor must retain at least 80 hours of sick leave in his/her personal bank after donation. The aggregate total of such received sick/vacation leave shall not exceed 480 hours per employee in any twelve-month period. Any donor shall notify the City of his or her intention to make such a donation. The donor and recipient shall notify the City of the requested sick/vacation leave transfer seven working days before the pay day in order to have such credits applied for that pay period. The donation is based on the number of hours (credits), not on rate of pay and is on a one hour donated for one hour received basis. The donation of credits, once made, cannot be rescinded by the donating employee.

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. Credits will be returned on a pro-rata basis of their donation.

To be eligible to receive donations of leave credits, an employee:

- A. Must be eligible to use sick leave;
- B. Have an illness, injury or other qualifying condition, as described in the City's Personnel Policy that results in an absence of at least ten working days unless otherwise approved by the City Manager or designee; and
- C. Must have exhausted all other accrued paid leave and compensatory time.

31. Light Duty

The City of Whitefish is not always obligated to provide light duty for injured or ill workers returning to work. Light duty is often a good mechanism to get employees back to work in a productive manner. If allowed, the procedures governing light duty are as follows:

- A. The City shall send the doctor the employee's pre-injury job description & the "light duty" job description (duties the City plans on having the employee perform, the hours per week, walking, standing etc.).
- B. The City shall ask the doctor to provide a written release specifically stating that the employee can perform the "light duty" job description and if not, what duties the employee can and can't do and for how many hours per day.

¹³ Section 2-18-618 (8) MCA.

- C. The doctors release to light duty must state the start date and end date of light duty.
- D. The City shall provide a letter to the employee containing the above information and stating that if there are any changes, the doctor will be required to provide another note/letter describing the changes. Both the City and the employee will sign the letter (the letter will also indicate whether the employee will be taking FMLA leave).
- E. When employee is released from light duty to regular, he/she will be required to provide another doctor's note authorizing the release.
- F. The City shall keep all of this information in a separate file from the employee's personnel file.

32. Pregnancy Leave

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

Employees should notify their supervisor or the City Manager or designee of a desire to take Maternity Leave within a reasonable time after confirmation of pregnancy. As soon as reasonable, the employee should also report the expected due date and the estimated leave of absence.

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

33. Breast Feeding in the Workplace Policy

Women returning from maternity leave who wish to continue breastfeeding or express milk for their child(ren) will be provided a private space (other than a toilet stall) with suitable lighting and electricity if necessary for pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily used with additional unpaid break time provided as mutually agreed upon. Additionally, the City will make every effort to provide suitable facilities for milk storage during the employee's daily

work period. The City will comply with all requirements listed in §§ 39-2-215, 39-2-216, 39-2-217, MCA, whether or not specifically listed here.

34. Family and Medical Leave Act (FMLA)¹⁴

An eligible employee may take up to 12 weeks of leave per year if he/she has worked for at least 1,250 hours within the previous 12 months and has been employed for 12 months.

Family or Medical Leave can be taken for the following reasons:

- A. The birth of a child and in order to care for that child.
- B. The placement of a child for adoption or foster care and to care for the newly placed child.
- C. To care for a spouse, child, or parent with a serious health condition.
- D. An employee's own serious health condition.
- E. Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.
- F. Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

Eligible spouses who both work for the City of Whitefish are limited to a combined total of 12 workweeks of leave in a 12-month period for the following FMLA qualifying reasons:

- A. The birth of a child and bonding with the newborn child;
- B. The placement of a child with the employee for adoption or foster care and bonding with the newborn child; and
- C. The care of a parent with a serious health condition.

Employees can take up to 26 weeks for an FMLA circumstance related to military caregiver leave during a single 12-month period. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available. This leave will also be based on a look back period.

Employees are required by law to provide at least a 30-day notification of intent to use Family or Medical Leave whenever possible. Employees shall be required to use their paid annual leave, personal, comp time, and/or sick leave for any part of the 12-week period. The remaining portion of the leave will be unpaid leave. As required by federal law, the City shall continue to

¹⁴ 29 U.S.C. Sections 2601-2654.

pay medical, dental, and vision insurance during the FMLA leave period. FMLA shall run concurrently with Workers' Compensation benefits.

When the City acquires knowledge that leave may be for a FMLA-qualifying reason, the City shall provide the employee with notice concerning his or her eligibility for FMLA leave and rights and responsibilities under FMLA. The City shall notify the employee whether leave is designated as FMLA leave and the amount of leave that will be deducted from the employee's FMLA entitlement.

Employees shall only be provided a total of 12 weeks in a rolling 12-month period looking back from the first day of the leave request. (For example, if an employee took 12 weeks leave beginning July 1, 1996, and requested to take 12 weeks leave beginning May 1, 1997, the request would be denied because the employee used 12 weeks looking back from May 1, 1996, through April 30, 1997.)

Upon request of an employee's supervisor and/or the City Manager or designee, an employee must provide certification explaining the serious health condition or the family member's condition. It should detail:

- A. The date on which the condition began;
- B. The probable duration of the condition;
- C. Appropriate medical facts regarding the condition;
- D. A statement that the employee is needed to care for a spouse, parent, or child; and
- E. A statement that the employee's own health condition makes it impossible for him or her to work.

If the City of Whitefish is not satisfied with the certification, it may require a second opinion at the City's expense. In the event of conflicting opinions, a third provider will be retained, also at the City's expense, to render a binding decision.

Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid 10% of the work force and their absence must mean a substantial economic loss to the City. If an employee designated as "key" still takes family leave, the City of Whitefish shall pay the employee's health care premiums, but does not guarantee that the City will return the employee to the position he/she left.

An employee who fails to return to work on his or her regularly scheduled work day after the pre-approved leave will be considered to have voluntarily resigned unless the leave period is extended, in advance, by the City Manager or designee. Providing false or misleading information to justify a FMLA absence may result in discipline, up to and including termination. FMLA provisions provide the City of Whitefish retains the discretion to decide whether to recover health care premiums from employees who do not return to work.

35. Public Office Leave

Employees elected or appointed to an eligible public office shall be granted an unpaid leave of absence (unless they want to use accumulated eligible leave time), not to exceed 180 days per year while performing the public service. Employees will be restored to their positions, with the same seniority, status, compensation, hours, locality, and benefits as existed prior to their leaves of absence for public service. Employees must return to work within 10 days following the completion of the service unless they are unable to return due to an illness that has been certified by a medical doctor. The City of Whitefish will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

No employee may solicit any money, influence, service, or other thing of value, or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job or at his/her place of employment.

36. Absence without Authorization

Absence is the failure to report for work and/or to remain at work as scheduled. It includes late arrivals and early departures as well as absence for an entire day. Regular and punctual attendance is essential for efficient operations. If an employee does not know in advance that he/she will be absent or unavoidably late, the employee must telephone the office and speak directly to their supervisor or the City Manager or designee. Failure to request advance approval or to report an absence as described above may result in disciplinary action. An employee who fails to call in for three successive days to report such absences may be considered to have voluntarily terminated employment with the City of Whitefish. Employees with above average absenteeism may be required to document the reasons, including providing a doctor's certificate or other evidence and verification. Upon returning to work from an unexcused absence, the employee must report to his or her supervisor and disclose the reason for the absence. If the reason is not acceptable, the employee may be subject to disciplinary action.

37. Leave without Pay

Leave without pay may be granted by the City Manager for any cause if it doesn't violate any laws, regulations or policies set forth in this policy. Employees may be granted leave without pay for a specified time generally not to exceed one year during their employment period.

Whenever possible, the employee should provide the employee's supervisor or the City Manager or designee with at least 30 days' notice so workloads/tasks can be covered. To request leave without pay, the employee must provide the employee's supervisor or the City Manager or designee the beginning and ending dates of the leave and the reason for the requested leave.

Other than on furlough days approved by the City Manager, vacation, holidays, personal days, and sick leave cease to accrue during leave-without-pay. Employees will not be allowed to use sick or annual leave and will not receive holiday pay while on leave without pay status. The City of Whitefish shall not pay medical insurance premiums during a period of leave without pay other than furlough days. However, the employee may choose to continue insurance coverage

during the leave by paying the City of Whitefish the premiums on a monthly basis. If the employee fails to continue the insurance coverage, the insurance may be canceled. Should it be canceled, the employee may be subject to policy restrictions upon returning to work.

Depending upon the circumstances, employees still in their probationary period may be allowed to take leave without pay. However, if leave is granted, their probationary period will be extended by the amount of time taken during the leave.

An employee who fails to return to work on his or her regularly scheduled work day after the pre-approved leave without pay period will be considered to have voluntarily resigned unless the leave period is extended, in advance, by the employee's supervisor and/or the City Manager or designee. Providing false or misleading information to justify leave-without-pay may result in disciplinary action.

38. Attendance

Employees are expected to report to work as scheduled by their supervisor or the City Manager or designee. If the employee is late to the point where it will affect his/her job duties, the employee must contact his/her supervisor or City Manager or designee and provide an explanation. If the tardiness/absence is deemed unreasonable, it may result in disciplinary action. Advance notice should be given if possible to allow the City to schedule a replacement, if necessary. If the employee's supervisor or the City Manager or designee are unavailable, the employee must speak directly with a senior staff member and explain the situation. Failure to notify the office of an absence or tardiness may result in disciplinary action.

39. Funeral Leave (Bereavement – formerly Emergency Leave)

- A. In the event of a death(s) of the regular full-time or regular part-time employee's immediate family, time off with pay up to a maximum of five days will be allowed for the employee. The leave provided herein will not be charged to the employee's sick leave, and is available whether or not the employee has accrued sick leave. Leave available, but not used within thirty days of the death will be forfeited.
- B. Use of sick leave beyond five days in the event of a death shall be by mutual agreement with the City Manager or designee.
- C. All bereavement leave must have the appropriate authority's prior written approval.¹⁵

40. Jury and Witness Duty Leave

Any regular full-time or regular part-time employee who is required to serve on a jury shall be allowed authorized leave with pay less any amount received (jury or witness fees) for such service. This leave also includes when an employee is subpoenaed as a witness or required to

¹⁵ Resolution 06-40.

appear before a court or legislative committee/quasi-judicial body in response to a subpoena or other directive. A probationary employee will have his/her probationary period extended by the same amount of time as required for serving on jury duty. An employee who receives notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position. The City of Whitefish reserves the right to request that an employee who is called for jury duty be excused if the employee's absence would create a hardship on the operational effectiveness of the department to which they are assigned.

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

41. Military Leave

The City of Whitefish shall comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA, 38 USC Sec. 4031, *et seq.*) as well as all relevant state laws (including Montana Military Service Employment Rights Act, MCA 10-1-1009) covering members of the Montana Army and Air National Guard.

An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six months shall be given leave of absence with pay for a period of time not to exceed 120 hours in a calendar year. Unused leave may roll to the next calendar year, but may not exceed 240 hours total for the calendar year. Any excess leave beyond 240 hours will be forfeited.

Military Leave can be used for attending regular encampments, training cruises, and similar training programs of the military forces of the United States. This leave will not be charged against the employee's annual leave.

Employees employed less than six months are entitled to unpaid leave for the purposes listed above. Employees using Military Leave must report it as such on their timesheets and have prior approval for leave.

42. Educational Leave/Training

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

Employees should discuss training needs during annual evaluations, particularly if the training

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

43. Licensing Fees

The City of Whitefish recognizes employees that associate with various organizations or maintain certifications or licenses are beneficial to the City. If the City of Whitefish requested that an employee obtain a license, or if a license is necessary for the employee to perform his/her job duties, the City of Whitefish will pay for the licensing fees and/or annual renewal fees.

All employees are encouraged to visit with their supervisor and/or City Manager or designee, particularly during the annual evaluations, so that the cost of maintaining a current license or the costs for a licensure that the employee would like to obtain can be included within the budget process.

44. Insurance

Regular employees may participate in the City of Whitefish's benefit plan for individual employees, eligible dependents, and eligible domestic partnerships. The City of Whitefish will pay a specified dollar amount into the benefit plan that the employee can use to pay for options elected. For regular part-time employees, the City of Whitefish will pay a pro-rated amount of the contribution into the benefit plan.

Specific benefits of the benefit plan are described in the Plan Document and Summary Plan Description (attached as an Appendix and available from the Human Resources Director). For employees using specific insurance products, the insurance plan documents will be forwarded to them directly from the Insurance Provider (currently MMIA). The Insurance Provider will also supply insurance cards for the covered employee/dependents directly to the employee.

If the City employs two employees covered under the same family coverage, the City shall pay only one family coverage. While the City will not revoke cash-in-lieu payments granted previously, all future employees hired after the effective date of this Personnel Policy or current employees whose status changes, shall not receive any cash-in-lieu of payments.

45. Retirement

Retirement pension is provided pursuant to Montana State Law. Please see the Human Resources Director for information and enrollment procedures.

46. Personal Demeanor and Appearance

In the interest of the City and the public, it is desirable at all times, whether on, or off-duty, that an employee's conduct reflect favorably on the employee, fellow employees, and the City. Off-duty misconduct may result in discipline when it renders an employee less capable of performing his or her duties and responsibilities, or when it reflects unfavorably upon an employee's continued qualifications for employment.

It is the City's policy to place as few restraints on an employee's personal conduct as possible. The City relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities. However, for the protection of the City's business interests and those of other employees, certain rules of conduct have been established. The rules are formalized for each employee's information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to disciplinary action.

Employees are expected to present themselves in a professional and appropriate manner for their position, their daily activities, and their expected public contact. Employees should generally keep strong food aromas contained in the employee break areas.

It is the policy of the City of Whitefish that the Mayor, City Council members, appointed Board members, and all employees of the City of Whitefish comply strictly with all State laws regarding ethical behavior and avoidance of both conflicts of interest and the appearance of conflicts of interest. Employees are referred to Resolution No. 98-22 in the appendix (or as amended or superseded) for the City's policy on Ethics and Conflict of Interest as well as the Code of Ethics set forth in §§ 2-2-101, *et seq.*, MCA.

Receipt of Gifts - Except as provided in this section, a City employee is prohibited from accepting any gift, gratuity, favor, entertainment, loan, or any other item with a value greater than \$50.00 from any person who has or is seeking to obtain business with the City, or from any person within or outside City employment whose interests may be affected by the employee's performance or non-performance of official duties.

Employees are expected to dress appropriately for their position, their daily activities, and their expected public contact. Employees attending business meetings, board meetings or other related contact should dress professionally in business attire. The office may receive visitors, board members, etc. and all personnel are to be dressed appropriately. Hair and clothes should be neat. Any part of an employee's dress, appearance or hygiene that is deemed unprofessional or that may endanger the employee and/or staff may be prohibited by the City Manager or designee. The City Manager or designee may order an employee to take unpaid time to go home and change if their attire is not considered appropriate.

47. Smoking

City of Whitefish offices and vehicles are non-smoking facilities. Employees may smoke during scheduled break periods and must smoke in smoking areas outside the buildings and vehicles.

48. Sales Calls

Sales calls from professional sales people are allowed to take place only at the discretion of the City Manager or designee, provided such discretion is exercised in a consistent and fair manner. Employees requesting charitable contributions or selling products should visit with fellow employees before or after work, during lunch hour or breaks. Employees may also choose to circulate a catalog among co-workers to preview at their convenience during lunch hour or breaks. Employees should not be made to feel obligated to purchase items.

49. Discipline

An employee in probationary period status may be terminated during the probationary period without cause.

Upon suspected violation of federal, state or local laws, City of Whitefish rules, policies and/or regulations, or employee conduct/behavior/performance standards, an employee may be subject to disciplinary action. The supervisor of the employee shall notify the City Manager or designee. The City Manager or designee shall direct the supervisor and/or the Human Resources Director to investigate and document situations that may require disciplinary action. Employees may be placed on Administrative Leave (with or without pay) during the investigation.

The employee shall be interviewed during the investigation. Prior to the investigative interview, the City Manager or designee will inform the employee of the suspected violation and, in general terms, the topic of the interview. The supervisor, the employee being investigated, the Human Resources Director (if it is determined that he/she should attend) and the City Manager or designee will meet and conduct the interview. The employee being interviewed may request an attendee of his/her choosing be present at the interview; Provided, however, the attendee will be permitted only to observe the interview and will not be permitted to participate.

The City Manager or designee shall inform the employee of the results of the investigation at a hearing. If deemed necessary, the Human Resources Director shall be present to document the hearing. During the hearing, the employee will be allowed to respond to the findings of the investigation. Upon completion of the hearing, the City Manager or designee will provide a letter to the employee documenting the investigation and hearing process, stating the findings, and declaring the appropriate form of discipline, if any, that will be imposed on the employee.

If the employee doesn't agree that the discipline was warranted or if the employee considers the disciplinary action inappropriate, the employee shall follow the grievance procedure.

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

Oral Reprimand

The City Manager or designee will meet with the employee and explain the problem as well as the necessary action required to correct the problem. The City Manager or designee will also outline the time period in which the employee must correct the problem and the consequences should the employee not conform or comply with the necessary action. The City Manager or designee will summarize the conversation with the employee in writing to document the disciplinary procedure as an oral reprimand. The employee and the City Manager or designee will sign the summary attesting that the meeting took place, that the employee understood the problem and the corrective action required.

Written Reprimand

The City Manager or designee will document the problem in a letter to the employee. The City Manager or designee will meet with the employee, present the letter, and explain the problem. During the meeting the City Manager or designee will clarify the necessary corrective action, the time period to conform or comply with the corrective action, and the consequences should the employee not satisfactorily complete the necessary action. The letter to the employee will clarify that the employee is receiving a written reprimand as the disciplinary procedure. A copy of the letter must be signed by the employee attesting that the employee participated in the meeting, understood the problem and the corrective action required, and received the written reprimand. A copy of the letter will be placed in the employee's personnel file.

Suspension (with or without pay)

The City Manager or designee will document the problem in a letter to the employee and indicate whether the employee is being suspended with or without pay. The City Manager or designee will meet with the employee, present the letter, explain the problem and inform the employee of the severity of the discipline received. During the meeting the City Manager or designee will clarify the necessary corrective action, the time period to conform or comply with the corrective action, and the consequences should the employee not do the necessary action. The letter to the employee will clarify the effective dates of the suspension (with or without pay) and the date and work schedule and the date that the employee is to return to work. A copy of the letter must be signed by the employee attesting that the employee participated in the meeting, understood the problem and the corrective action required, and that the form of discipline was suspension (with or without pay). A copy of the letter will be placed in the employee's personnel file.

Demotion - Loss of Duty

The City Manager or designee will document the problem in a letter to the employee and indicate the specific conditions of the demotion to include modified job duties and compensation, as warranted. The City Manager or designee will meet with the employee, present the letter, explain the problem, and inform the employee of the severity of the discipline received. During the meeting, the City Manager or designee will clarify the necessary corrective action, the time period to conform or comply with the corrective action and the consequences should the employee not do the necessary action. The City Manager or designee will determine if the

demotion is a temporary disciplinary measure or a permanent job modification. In the event the demotion is a permanent job modification the employee's job description will be updated to reflect such. A copy of the letter must be signed by the employee attesting that the employee participated in the meeting, understood the problem and the corrective action required and that the form of discipline was a temporary or permanent demotion and loss of job duties/responsibilities. A copy of the letter will be placed in the employee's personnel file. If the employee's job description was updated, the employee must sign the updated job description to reflect that the employee has had the modified duties communicated to the employee. A copy of the signed, updated job description will be placed in the employee's personnel file.

Discharge

If the appropriate disciplinary action is discharge, a letter to the employee will document the problem and summarize the results of the investigation and hearing. The letter will detail the effective cause and date of discharge. The letter shall also include a copy of the Grievance Procedure advising the employee of their right to use the procedure and to have the discharge reviewed by the City Manager.

50. Grievance Procedure

A "grievance" shall mean a complaint, protest, or objection by an employee with respect to the conditions of employment or the interpretation, meaning, or application of the Personnel Policy or other established departmental policies or operating manual. Discharge from employment is subject to the grievance procedure.

Employees shall follow the grievance procedure to resolve any grievance they may have. Employees are allowed to use the grievance procedure without penalty, harassment, or retaliation for doing so. Each grievance will be fully processed until the employee receives a satisfactory decision/explanation or until the employee's right of appeal is exhausted.

Employees should attempt to resolve all disputes prior to involving the City Manager or designee. Employees are encouraged to discuss disputes with their supervisors informally and in a timely fashion. The Human Resources Director may attend meetings between the supervisor and employee if necessary.

A. Grievance Steps

1. In the event a dispute cannot be resolved informally, the employee shall file a grievance, in writing, with the supervisor within ten working days of the occurrence of the disputed issue. The written grievance should outline the disputed issue, relevant facts, and appropriate remedy. Upon receipt of the written grievance, the supervisor shall investigate the dispute and respond to the grievance within ten working days of receipt of the grievance.

2. If the response is not acceptable to the employee, the employee may proceed to the next step. The employee shall forward the written grievance and the supervisor's response to the Department Director within ten working days from the date of the supervisor's response. The Department Director shall investigate the grievance and write a report within 10 working days from receipt of the grievance appeal.
3. If the Department Director's response is not acceptable to the employee, the employee may proceed to the next step. The employee shall forward the written grievance and all prior responses to the City Manager within 10 working days from the date of the Department Director's response. The City Manager shall investigate the grievance and write a report within ten working days from receipt of the grievance appeal. This step concludes the final appeal process for the employee. The City Manager's decision is final and binding on the employee and the City.

Information concerning employee grievances is confidential information and is to be discussed only with individuals involved in the investigation or on a need-to-know basis. Management decisions on grievances will not set precedent and are at the discretion of the City Manager or designee so long as it does not violate any laws, regulations or policies set forth in this policy. Management decisions are not binding on future grievances unless they are officially stated as a policy.

APPENDICES

- A. Current Medical Plan Summary of Benefits
- B. Resolution 98-22 - Ethics and Conflict of Interest

APPENDIX "A"

MMIA Employee Benefits Programs

Effective Date: 7/1/16

This Document is a Summary of Coverage Only. The MMIA Employee Benefits Program Plan Documents is available at www.mmia.net and must be referenced for details of all coverages.

City of Whitefish - Custom Plan		HDHP ~ HSA Qualified		
Medical Benefits ~ Cost Sharing Provisions	PPO	NON-PPO	PPO	NON-PPO
Annual Deductible (January 1 - December 31)	\$500 (Individual) ~ \$1,000 (Family)		\$2,700 (Individual) ~ \$5,400 (Family)	
Benefit Percentage				
Before satisfaction of Out-of-Pocket Maximum	80%	60%	80%	60%
After satisfaction of Out-of-Pocket Maximum	100%	100%	100%	100%
Annual Out-of-Pocket Maximum <i>Includes Deductible</i>	\$1,500 (Individual) ~ \$3,000 (Family)		\$5,250 (Individual) ~ \$10,500 (Family)	
Preventive Care	PPO	NON-PPO	PPO	NON-PPO
Preventive Services (as recommended by U.S. Preventive Services Task Force, CDC, and Health Resources & Services Administration at www.healthcare.gov)	Deductible Waived, 100%		Deductible Waived, 100%	
Medical Services	PPO	NON-PPO	PPO	NON-PPO
Accidental Injury Benefit	100% to \$500, then standard benefits	100% to \$500, then standard benefits	Deductible Applies, 80%	Deductible Applies, 60%
Alternative Medicine Benefit	Deductible Waived, 80% up to \$500	Deductible Waived, 60% up to \$500	Deductible Applies, 80% up to \$500	Deductible Applies, 60% up to \$500
Chiropractic Care	Deductible Waived, 80% to \$400 plus \$100 x-ray benefit	Deductible Waived, 60% to \$400 plus \$100 x-ray benefit	Deductible Applies, 80% to \$400 plus \$100 x-ray benefit	Deductible Applies, 60% to \$400 plus \$100 x-ray benefit
Diabetic Education Benefit	Deductible Waived, 100%		Deductible Applies, 100%	
Diagnostic Services				
Professional Provider Expenses	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Facility Provider Expenses	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Durable Medical Equipment				
Rental or purchase	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Repair and Replacement	Deductible Applies, 50%	Deductible Applies, 50%	Deductible Applies, 50%	Deductible Applies, 50%
Emergency Room Care	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Home Health Care	Deductible Waived, 50%		Deductible Waived, 50%	
Hospice Care	Deductible Waived, 100%		Deductible Applies, 80%	Deductible Applies, 60%
Hospital Facility Services	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Maternity Services				
Professional Provider Expenses	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Facility Provider Expenses	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Newborn Initial Care (while mother is hospitalized)	Deductible Waived, 80%	Deductible Waived, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Nutritional Counseling (limit of 10 visits per year)	Deductible Waived, 80%	Deductible Waived, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Obesity Surgery ~ One per lifetime Benefit Max for Procedure	Deductible Applies, 80% up to \$30,000	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Organ/Tissue Transplants ~ Center of Excellence only				
Professional Provider Expenses	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Facility Provider Expenses	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Professional Provider Services	Deductible Waived, 80%	Deductible Waived, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Rehabilitation Therapy				
Professional Provider Expenses	Deductible Waived, 80%	Deductible Waived, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Facility Provider Expenses	Deductible Waived, 80%	Deductible Waived, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Mental Illness				
Professional Provider Expenses	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Facility Provider Expenses	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Therapies - Physical, Occupational, Speech, Cardiac				
Professional Provider Expenses	Deductible Waived, 80%	Deductible Waived, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Facility Provider Expenses	Deductible Waived, 80%	Deductible Waived, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Chemical Dependency Treatment				
Professional Provider Expenses ~ (Inpatient & Outpatient)	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Facility Provider Expenses ~ (Outpatient)	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Facility Provider Expenses ~ (Inpatient)	Deductible Applies, 80%	Deductible Applies, 60%	Deductible Applies, 80%	Deductible Applies, 60%
Prescription Drug Plan ~				
Generic	\$6 Co-pay Retail/ \$12 Co-pay Mail Order		Deductible Applies, 80%	
Brand ~ Formulary	\$12 Co-pay Retail/ \$24 Co-pay Mail Order		Deductible Applies, 80%	
Non-Formulary	\$22 Co-pay Retail/ \$44 Co-pay Mail Order		Deductible Applies, 80%	
2016 - 2017 Monthly Contributions				
EE ~ Employee Only	\$586		\$382	
ES ~ Employee & Spouse	\$1,084		\$707	
EC ~ Employee & Child	\$1,026		\$669	
EF ~ Employee & Family	\$1,529		\$997	
Med ~ Retiree Only Medicare	\$381		\$248	
2Med ~ Retiree & Spouse Medicare	\$762		\$497	
1/1+65 ~ One with Medicare & One without Medicare	\$967		\$630	

All Benefits Subject to Network Providers

MMIA Dental Plan

Effective July 1, 2016

Calendar Year Deductible(s)	\$25 (Individual) ~ \$50 (Family)
Calendar Year Maximum Benefit	\$2,000 (Individual) <i>Does not apply to Diagnostic & Preventive services</i>
Lifetime Orthodontic Benefit	{Available as Benefit Enhancement}*
Dental Services	
Diagnostic & Preventive	Plan Pays 100% Deductible Waived <i>Does not apply to yearly benefit maximum</i>
Basic Restorations	Plan Pays 80% After Deductible
Major Restoration	Plan Pays 50% After Deductible
Implants	Plan Pays 50% After Deductible
Monthly Plan Contributions	
Employee	\$33
Employee & Spouse	\$66
Employee & Child(ren)	\$58
Employee & Family	\$92

*Dental Benefit Enhancement ~ Orthodontic Benefit

Lifetime Benefit ~ \$2,000 Plan Pays 50% After Deductible	
Additional Contribution	
Employee	\$1
Employee & Spouse	\$2
Employee & Child(ren)	\$8
Employee & Family	\$12

MMIA Vision Plan

Effective July 1, 2016

Benefits	Frequency	In Network	Out of Network
Exam			
Well Vision Exam	12 Months	\$20 copay for exam and glasses	up to \$50
Glasses			
Frames	12 Months	<ul style="list-style-type: none"> Combined with exam copay \$140 allowance at retail \$75 allowance at Costco 20% savings after allowance 	up to \$70
Lenses	12 Months	<ul style="list-style-type: none"> Combined with exam copay Single vision, lined bifocal, and lined trifocal lenses Polycarbonate lenses for children 	<ul style="list-style-type: none"> Single vision – up to \$50 Lined bifocal – up to \$75 Lined trifocal – up to \$100
Lens Enhancements	12 Months	<ul style="list-style-type: none"> Standard progressive: \$50 copay Premium progressive: \$80-90 copay Custom progressive: \$120-160 copay Other: 35-40% average savings 	<ul style="list-style-type: none"> Single vision – up to \$50 Lined bifocal – up to \$75 Lined trifocal – up to \$100
Contacts			
Contacts instead of glasses	12 Months	<ul style="list-style-type: none"> \$140 allowance for contacts and contact lens exam (fitting & eval.) 15% savings on a contact lens exam (fitting and evaluation) 	up to \$105
Extra savings			
Laser Vision Correction	Average 15% off regular price or 5% off promotional price; discounts only available from contracted facilities		
Monthly Plan Contributions			
Employee	\$8.15		
Employee & Spouse	\$13.00		
Employee & Child(ren)	\$13.25		
Employee & Family	\$21.35		

RESOLUTION NO. 98-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ADOPTING REVISIONS TO THE ETHICS AND CONFLICT OF INTEREST POLICY.

WHEREAS, on December 15, 1997, the City Council by motion approved an ETHICS AND CONFLICT OF INTEREST POLICY applicable to the Mayor, City Council, and various other individuals and Boards; and

WHEREAS, on January 20, 1998, the City Council determined that it would be appropriate to consider revisions to such policy, and by consensus temporarily suspended the effect of the adopted policy until revisions could be considered by the full Council; and

WHEREAS, the Mayor appointed three Council members to a committee to consider revisions and make recommendations to the Council; and

WHEREAS, having received the Committee's recommendations at its April 20, 1998 meeting, and having considered all of the recommendations and related facts and circumstances, the Council has determined to adopt a revised ETHICS AND CONFLICT OF INTEREST POLICY;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, AS FOLLOWS:

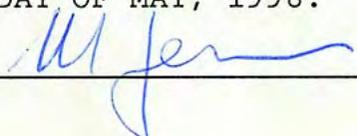
Section 1: That the ETHICS AND CONFLICT OF INTEREST POLICY attached hereto as Exhibit "A" is hereby adopted and approved;

Section 2: That all previous ethics and conflict of interest policies are hereby repealed;

Section 3: Although the written disclosure form required by Section 2 of the attached Policy is required to be filed annually by January 31 of each year, since the revised policy is being adopted mid-year, the initial form shall be filed by the Mayor and all City Council members no later than June 30, 1998.

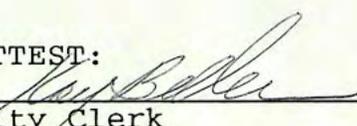
Section 4: This Resolution shall take effect immediately upon approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 18TH DAY OF MAY, 1998.



MAYOR

ATTEST:



City Clerk

CITY OF WHITEFISH
ETHICS AND CONFLICT OF INTEREST POLICY

Section 1: It is the policy of the City of Whitefish that the Mayor, City Council members, appointed Board members, and all employees of the City of Whitefish comply strictly with all State laws regarding ethical behavior and avoidance of both conflicts of interest and the appearance of conflicts of interest. In addition, because State law does not address all ethical issues that confront public officials, and does not address all possible conflict of interest situations, the City of Whitefish has adopted the following guidelines, which shall apply to the Mayor, City Council members, the City Manager, the City Attorney, and any members of City boards, such as the Board of Adjustment, which make quasi-judicial decisions (as opposed to mere recommendations to the City Council) (hereinafter "Public Officials,") all of which shall be given a copy of these guidelines within one week of taking office or being appointed.

Section 2: The following situations may give rise to a conflict of interest for a Public Official. These situations are examples only and are not intended to be exhaustive. When in doubt, the Public Official should seek the advice of the City Attorney.

- a. Total or partial ownership of a business seeking an approval or benefit from the City.
- b. Any position of officer, director or similar position with respect to any business which seeks an approval or benefit from the City.
- c. Total or partial interest in any real estate or business that is the subject of action by the City.
- d. Any employment, or any other significant income-producing relationship, held within the City's extra-territorial planning jurisdiction, if the employer or other significant client seeks an approval or benefit from the City.
- e. Lending or borrowing of funds with individuals or entities who seek an approval or benefit from the City.
- f. Any existing or proposed contract between the Public Official and the City, or between the City and any business of which the Public Official is an owner, member, or holds a position of officer, director, or holds a position of authority.
- g. Any employment by any government body other than the City that seeks an approval or benefit from the City.

Within thirty (30) days of the election at which a Mayor or City Council member is elected, such individuals shall file with the City Clerk a written disclosure, on a form developed by the City, and providing written disclosure of the matters described in subparagraphs a-g, above. The individual shall not be required to identify the value of any interest held in any business or real estate; nor the value of any income or compensation received; nor the amount of any loan. The disclosure form described above shall be filed annually by January 31 of each year.

Section 3: No Public Official shall vote or otherwise take action with respect to any situation in which he or she has a conflict of interest and he or she shall refrain from attempting to influence any other Public Official's vote, action or inaction with respect to such situation, unless he or she has declared that conflict and stood down from his or her position for that issue.

Section 4: A Public Official shall refrain from voting or otherwise taking action regarding any application, issue or project, if such Public Official has a financial interest in the outcome of such application, issue or project, or if such Public Official will receive any compensation as a direct result of the approval of, or other action taken concerning, such application issue, or project.

Section 5: No Public Official shall use his or her position to gain favor from any member of the City staff.

Section 6: Public Officials shall not directly or indirectly accept a gift (or an economic benefit similar to a gift) greater than \$50.00 in value, including but not limited to non-monetary gifts such as food or drink, from or on behalf of any individual or entity who has an application, matter, issue or request pending before such Public Official (or from opponents of such application, matter, issue or request), or whom such Public Official knows will have an application, matter, issue or request pending before such Public Official in the foreseeable future. A transaction in which a Public Official purchases or sells a good or service in the regular course of the seller's business at a price and/or terms that are generally available to other members of the public does not involve a gift.

Section 7:

A. A quasi-judicial hearing or decision is one in which an applicant has applied for a right, benefit, or permit from the City which can only be granted by the City Council, a City Board, or the Zoning Administrator after consideration of the facts and circumstances and the applicable law and City ordinances. The term includes such matters as an application for a condition use permit,

zone change, preliminary or final plat approval, and other land use applications that are considered by the City Council, or the Zoning Administrator. The term also includes applications for variances, and similar applications, that are considered by the Board of Adjustment.

B. The following guidelines exist to (1) insure that all quasi-judicial hearings and decisions are conducted fairly and openly, and (2) insure public confidence in the City's decision-making processes. The Mayor and City Council shall comply with the following rules and guidelines. All other individuals and Boards that make quasi-judicial decisions, including those described in Section 7(A) above, are encouraged to comply with subparagraphs 1-4 below, when it is reasonable and convenient to do so, and shall comply with subparagraphs 5-6 below.

- 1) Once the Public Official knows that an application has been filed, he or she shall refrain from meeting with or otherwise discussing the merits of the application with the applicant and his or her representatives and with individuals who support or oppose the application unless the circumstances and substance of the contact is fully disclosed at the next public meeting on the subject.
- 2) To the best of the Public Official's ability, he or she shall consider only that information and opinion that is openly expressed, or provided in writing, at the meeting or hearing that is held for the purpose of considering the application. If a Public Official receives unsolicited written information prior to the meeting or hearing at which the application will be considered, a copy of such written information shall be provided to staff and all other decision-makers prior to or at such meeting or hearing, and the written information shall be publicly identified prior to any decision. If the meeting or hearing is continued or the issue tabled, such Public Official shall refrain from soliciting or receiving any further information or opinion (other than from staff), except at a subsequent meeting or hearing held for that purpose.
- 3) It is appropriate to review all written material that is a part of the application or a staff report, or that is received from the applicant or from members of the public and distributed to all decision-makers prior to or at the meeting or hearing held to consider the application. It is appropriate to ask questions of staff prior to the meeting or hearing in order to clarify facts or law.
- 4) If the Public Official deems it advisable to visit or inspect the site, such visit or inspection shall not occur in the presence of the applicant, or an opponent,

or his or her representative unless it is fully disclosed at the next meeting, or it is the respective board's means of conducting business, as approved by City Council.

- 5) If because of bias, the Public Official has a pre-conceived and unalterable view of what the outcome should be without regard to the information or opinions that will be presented at the meeting or hearing, then the Public Official shall abstain from voting, from taking any action, and from attempting to influence another Public Official's vote or action with respect to such application.
- 6) If a Public Official has a personal or financial interest in the outcome of a type that would require abstention under State law or under this policy, then such individual shall abstain from voting, from taking action, and from attempting to influence another Public Official's vote or action.

Section 8: Nothing contained herein shall preclude a Public Official from participating as a member of the public in any public meeting or hearing.

Section 9: If the City Council concludes that it is likely that there has been a violation of Article 2, Chapter 2, Part 1, MCA, it shall refer such matter to the Flathead County Attorney. If the City Council based on a written complaint of a violation of this policy, concludes that there has been a violation of this policy, it shall prepare a written report detailing such violation and the facts, circumstances, and evidence supporting its conclusion, and shall impose one or more of the following sanctions:

- 1) Written reprimand by City Council Resolution;
- 2) Written censure by City Council Resolution;
- 3) Written request, by City Council Resolution, that the individual resign from City elective office.