

# **City of Hardin**

## **Personnel Policies Manual**

*Adopted August 15, 2017*

## **Drug and Alcohol Testing Policy**

*Adopted August 15, 2017*

## **Safety Manual**



Dear Employee:

The CITY OF HARDIN is pleased that you have joined our organization of professionals. The CITY OF HARDIN is a professional organization providing many valuable services to the residents of CITY OF HARDIN. Your position has been designed to assist the CITY OF HARDIN with accomplishing these services. We hope you will find this position rewarding and challenging.

During your one year probationary period, your employment with the CITY OF HARDIN is at will and may be terminated with or without consent at any time by either you or the CITY OF HARDIN. This policy manual is not an employment contract. Rather, it is designed to provide you general information regarding employment practices and benefits with the CITY OF HARDIN. The policy manual cannot cover all employment situations, scenarios, or questions, but it is designed to cover the basic rules. Policies and rules contained within the manual will be added, updated, or deleted as determined by the CITY OF HARDIN. You are encouraged to submit suggestions or ideas regarding current policies or additional policies to the MAYOR or the Public Works Director and/or their designee.

As you familiarize yourself with the CITY OF HARDIN staff and your new position, please note the employee bulletin board displays the required federal and state postings. The postings are updated from time to time - be sure to read the board occasionally. If you notice an item that is obsolete or needs updating, please let the CITY OF HARDIN and/or their designee know.

During your first few days working for the CITY OF HARDIN you will probably have several general questions regarding our organization and policies. You are encouraged to research the answer within the manual; however, do not hesitate to ask your supervisor or the MAYOR or Public Works Director and/or their designee concerning any questions you may have.

The staff of the CITY OF HARDIN would like to welcome you.

Sincerely,

Jack Lane  
Mayor





# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9293 Phone 406-665-2719 Fax

## RECEIPT PAGE

### POLICY HANDBOOK (August 15, 2017)

It is expressly understood that the policy manual for the City of Hardin does not constitute a guarantee of employment or promise of any kind. The City of Hardin, in its sole discretion, may direct, hire, promote, transfer, assign and retain employees; supervise, discipline, and relieve employees from their duties; determine and change hours of work, shifts, and methods of operation; establish, change or abolish its policies, practices, rules and regulations.

It is understood that the policy manual is issued to inform employees regarding the operating policies of the City of Hardin and is to be used as a guide to City of Hardin employees in the performance of their duties. The policy manual may be changed from time to time at the sole discretion of the City of Hardin. All such changes will be communicated through official notices and I understand that revised information may supersede, modify or eliminate existing policies. Violations of the policies set forth in this manual may result in disciplinary action up to and including termination.

By signing this statement, you, the employee acknowledges the City of Hardin policy manual has been received and that it is your responsibility to read and comply with the policies contained in this handbook.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Position \_\_\_\_\_

Effective Date of Employment \_\_\_\_\_

Attest:

Supervisor \_\_\_\_\_

Date \_\_\_\_\_



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## Definitions

Absence - The failure to report to work and to remain at work as scheduled. It includes late arrivals and early departures as well as absence for the entire day.

Annual Leave - A paid 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.

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 official responsibility.

Discipline - Correction, punishment or penalty. Discipline is used to bring order to situations where there have been violations of federal, state or local laws and/or violations of CITY OF HARDIN rules and regulations, employee conduct/behavior/performance standards, or CITY OF HARDIN policies.

Exempt Employee - Exempt employees are those who, according to the Fair Labor Standards Act (FLSA), are not covered under the provisions pertaining to minimum wage or overtime pay. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity. In order to be an exempt employee, certain tests relating to duties, responsibilities and salary must be met (see the Clerk/Personnel 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 manual.

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

Independent Contractor - Independent Contractors are not considered employees of the CITY OF HARDIN. 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.

Leave Without pay - Any approved time off that is not charged to annual leave or sick leave.

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 period. Overtime pay is equivalent to one and one-half times the employee's regular hourly pay for each hour over 40 hours worked.



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 are eligible for limited benefits on a prorated basis.

Remote Employee - An employee who performs the majority of their work in a location different from where CITY OF HARDIN 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 Employee - An employee designated as seasonal at time of hire, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. The employee is not eligible to become a regular employee without completing a competitive selection process. A seasonal employee may be eligible for limited or prorated benefits.

Short-term Worker - A short-term worker is hired to work for an hourly wage established by the CITY OF HARDIN for a period not to exceed 90 days within a 12-month period. Short-term workers are not eligible for permanent status and may not be hired without a competitive selection process. The short-term worker is not eligible for any employee benefits including leave, holiday benefits or any insurance benefits.

Sick Leave - Period allowed by an employer to an employee for the employee's sickness tending to the needs of an ill immediate family member or attending medical/dental appointments with no loss of seniority or other benefits.

Temporary Employee / Emergency Hired Employees - 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 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. 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 veiled threats by words and/or acts; or any act or threat of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at the work site.



## **Expectations**

Welcome to the CITY OF HARDIN team. The CITY OF HARDIN wants every employee to know what he or she can expect from the CITY OF HARDIN and what the CITY OF HARDIN expects of him or her. The policy manual is designed to inform employees what the CITY OF HARDIN expects of them, CITY OF HARDIN policies and procedures, and the Grievance Procedure should employees have a problem.

Employees are expected to treat co-workers, Board 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 HARDIN 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.

### **Equal Employment Opportunity (EEO)/Americans with Disabilities Act (ADA)**

The CITY OF HARDIN is an equal opportunity employer. The CITY OF HARDIN 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 for all employees. The CITY OF HARDIN shall adhere to all relevant provisions of the Americans with Disabilities Act, (ADA)

The CITY OF HARDIN assures equal employment opportunity regardless of race, religion, color, creed, national origin, sex, marital status, veteran/military status, political belief, genetic history, age, or 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 OF HARDIN.

The CITY is committed to complying 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 Mayor/City Manager or other designee and 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). 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.

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 should pursue action through the Grievance Procedure stated within the CITY OF HARDIN policy manual.

**When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.**

## **Section 1 General**

# **Acceptable Use of Equipment, Systems and Tools Used For Electronic Communication**

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

## **Purpose**

To govern the acceptable use of the City's electronic communication equipment, systems and tools which are provided by the City of Hardin to its authorized employees and authorized volunteers for the purpose of performing job functions including communication, information exchange, and research.

## **Policy**

This policy applies to all equipment, systems and tools used for electronic communication, local area networks, computer networks, the Internet and email, whether on microcomputers, minicomputers, lap-top computers, personal computers or main-frame computers in network configurations. All City employees and volunteers who have been authorized to use the equipment, systems or tools for electronic communication are subject to this policy.

Use of the City's electronic communication equipment, systems and/or tools is a privilege. Misuse, abuse or unauthorized use in violation of this policy may result in the loss of access for the user and are grounds for disciplinary action up to and including termination.

Authorized users of the City's electronic communication equipment, systems and tools are employees or volunteers authorized by the Mayor or his designee to receive an account on the e-mail and/or Internet systems.

Prohibited uses of the City's electronic communication equipment, systems and tools and the information sent, exchanged, accessed or stored, include but are not limited to laws);

- illegal activities (use must be in compliance with all applicable federal, state and local laws);
- threats or harassment including sexual harassment;



- slander or defamation;
- Obscene, profane, vulgar or offensive language, suggestive messages or offensive graphical images;
- Political endorsements and lobbying;
- Commercial activities or any private business purpose. During non-work hours you may use the electronic equipment, systems and tools for which you have been authorized, if available, for incidental and occasional personal use if it does not generate any additional direct costs for the City;
- Any use in violation of the Code of Ethics applicable to City/local government and public employees;
- Religious activities;
- Using any unauthorized software;
- Purposely accessing or sending messages that are racist, discriminatory, inflammatory or demeaning to others or that encourage illegal or prohibited activities. All policies of the City against discrimination and harassment apply in full to use of the City's electronic communications equipment, systems and tools;
- Sending or receiving copyrighted materials without the permission of the copyright holder;
- Using any means to defeat security systems on any computer network or knowingly transmitting viruses;
- Unauthorized changing of files that belong to another; and
- Failing to identify oneself clearly and accurately in all electronic communication.

## **E-Mail and E-Mail Security**

See the **E-Mail and Acceptable Use Guidelines** policy.

## **The Internet**

The Internet is a computer network that links computers and databases of information from around the world. Internet access is provided to authorized City employees and volunteers. There is a wide variety of information on the Internet, some of which may be offensive or otherwise objectionable to some users.

The City has no control over and is not responsible for the content of information available on the Internet.

Use of computer and network resources and the Internet access in violation of international, federal, state or local laws or regulations and licensing agreements, including but not limited to the illegal copying of software, is prohibited.

It is not acceptable to use the Internet access to transmit threatening, obscene, or harassing materials, or to interfere with or disrupt network users, services or equipment. Disruptions include, but are not limited to: propagation of computer worms and viruses, and using the network to make unauthorized entry to any other machine accessible via the network.

Employees may not post on or transmit through any on-line network any unlawful, harmful, threatening, abusive, harassing, defamatory, sexually explicit, vulgar, obscene, profane, hateful, racially or ethnically demeaning or threatening or otherwise objectionable language, images or material of any kind, including without limitation, any language, images or material which encourage conduct that would constitute a criminal offense, give rise to civil liability or otherwise violate any applicable law or City policies.

It is assumed that information and resources accessible via the Internet are private to the individuals and organizations which own or hold rights to those resources and information, unless specifically stated otherwise by the owners or holders of rights. It is therefore not acceptable for an individual to use the Internet to access information or resources unless permission to do so has been granted by the owners or holders of rights to those resources or information.

Use of the Internet access and any attached network in a manner that precludes or significantly hampers its use by others is not allowed.

Employees may not:

- send abusive or unwanted material causing the work of others to be disrupted.
- communicate under a false name or designation or a name or designation you are not authorized to use.

Employees may download files with the authorization of their supervisor, taking reasonable precautions for the prevention of viruses.

Employees may not introduce "rogue programs" (e.g., software introduced into computer and network systems for fraudulent or malicious purposes such as viruses, worms, trojan horses and logic bombs) to the Internet stations' hard drives.

Any misuse which compromises system security is prohibited.

Employees may not copy passwords belonging to others and may not distribute or make their password or another person's password or access code available to others nor may the employee attempt or assist others in attempting to discover another's password or evade other security



provisions. Employees may not disclose or make available their password to any third parties without the prior written consent of their supervisor.

Employees may not change, alter, copy or transfer files belonging to others without authorization.

## **Procedure**

### **E-Mail**

Employees, who receive a message that is objectionable or is in violation of this policy, should print or save the message and immediately inform their supervisor.

Electronic mail is often considered to be a public record and may be subject to public disclosure in accordance with applicable law. Although not yet decided by the Montana Supreme Court, other courts have held that e-mail messages can constitute official records and that they must be identified, accessible and retained just like records in other formats. Their public accessibility is comparable to that of other written communications.

E-mail messages that are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions are public records. Examples of messages that typically constitute public records include but are not limited to policies and directives, correspondence or memoranda related to official business, agendas and minutes of meetings, any documents that initiate, authorize or complete a business transaction, final reports or recommendations, etc.

Certain e-mail messages may not constitute public records, such as phone message slips, duplicates of documents distributed for convenience, and more personal messages not constituting official City business, i.e., words of encouragement, greetings, notices of retirement parties or holiday celebrations, etc.

All e-mail messages are considered to be temporary, and the system is not to be used as a record storage device. This is not intended to prohibit the creation from time to time of reference files for user convenience, which may remain on the system for extended periods of time.

Transitory messages which typically do not constitute public records should be removed by you on a weekly basis.

All authorized users must retain and regularly transfer public records to an organized, secure, and accessible filing system. Unintentional failure to do so because of the user's failure to enter the proper save and transfer commands will not be considered a violation of this policy unless there are repeated violations.

Each department head will choose one of the following filing systems for use in his/her department.

(1) Existing Manual System. One option for storing e-mail records is to print them on paper and file them in your existing manual filing system. You may print a hard copy of the document and file it appropriately within your own manual filing system.

(2) An Authorized Electronic Filing System or Repository. This second option allows e-mail messages and other electronic records to be stored, accessed more easily, and managed. All electronic filing systems or repositories must be designed and maintained with the approval of the Information Technology Manager and must be noted on the appropriate retention schedules before being used.

The length of time for retention of saved e-mail messages is governed by the City's records retention schedules for similar paper records.

### **The Internet**

If an employee suspects the presence of a virus, the employee should immediately contact the City Clerk for assistance.

The City's Internet hosts are traceable to the City. Users using City-provided Internet accounts should not assume they are provided any degree of anonymity. Outside users who want to identify machines associated with the City can do so easily.

Use of the Internet may be monitored by the City.

Public records requests may be made in writing or orally. All public records requests should be referred to the employee's department head or his/her designee to be handled in accordance with the City's Public Records Request policy.

## **Code of Ethics**

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin**

### **Purpose**

The purpose of this Policy is to affirm, in a comprehensive statement, required standards of conduct and practices with respect to certain types of payments and political contributions.

### **Policy**

The people have a right to expect that every public employee will conduct himself or herself in a manner that will tend to preserve public confidence in and respect for the government he or she represents. Such confidence and respect can best be promoted if every employee will uniformly:



1. Treat all citizens with courtesy, impartiality, fairness and equality under the law; and
2. Avoid both actual and potential conflicts between his or her private self-interest and the public interest.

## **FAIR AND EQUAL TREATMENT**

No employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large.

No employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, time, personnel, labor or service for the personal convenience or the private advantage of himself or herself or any other person. This rule shall not be deemed to prohibit an official from requesting, using or permitting the use of such publicly owned or publicly supported property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which is provided as a matter of state public policy for the use of employees in the conduct of official business.

## **CONFLICT OF INTEREST**

**Financial or personal interest.** No employee, either on his or her own behalf or on behalf of any other person shall have any financial or personal interest in any business or transaction with any public body unless the official shall first make full public disclosure of the nature and extent of such interest.

**Disclosure and disqualification.** Whenever the performance of his or her official duties shall require any employee to deliberate and vote (if applicable) on any matter involving the employee's financial or personal interest, the employee shall publicly disclose the nature and extent of such interest and disqualify himself or herself from participating in the deliberation as well as in the voting.

**Incompatible employment.** No employee shall engage in private employment with, or render services for, any private person who has business transactions with any public body unless the employee shall first make full public disclosure of the nature and extent of such employment or services to his/her Department Head.

**Private interest.** Private interest is a direct or indirect interest of a natural person, partnership, corporation or any other entity including a political entity other than the City or an organization in which the City is or may be affiliated.

## **REPRESENTING PRIVATE INTERESTS**

No employee, whether paid or unpaid, shall appear on behalf of private interests before any public body of the City. An employee shall not represent private interests in any proceeding to which the City is a party.



These prohibitions shall not be construed to prevent an employee from making inquiries and investigations as provided, nor shall it prevent an official from appearing before any public body of the City to express the official's personal views as a private citizen.

## **GIFTS AND FAVORS**

No employee of the City shall accept any gift, whether in the form of money, thing, favor, loan or promise that is offered to influence an official decision or to prejudice an official opinion or action. No employee shall accept a cash gift for any reason. However, an employee may accept a gift or favor of food, merchandise or services whose cash value is less than fifty (\$50.00) dollars.

## **RELATIONSHIPS WITH SUPPLIERS**

Employees are expected to work productively with suppliers, to bargain aggressively for the City's best interest, and to obtain for the City all of the benefits to which it is legally entitled. An employee should not take advantage of their position to obtain personal benefits from any supplier.

## **NEPOTISM**

No employee shall appoint or vote for appointment of any person related to the employee by blood or marriage to any position, employment or duty, when the salary, wages, pay or compensation is to be paid out of public funds and the employee will directly supervise the person.

## **Procedure**

Any employee who is requested to make, authorize, or agree to any offer or payment which is, or may be, contrary to this policy shall promptly report such information to the employee's supervisor and in writing to the City Attorneys' office.

Any employee who acquires information (for example, newspaper reports, reports from customers, or statements of individuals involved) that gives the employee reason to believe that any employee is engaged in conduct forbidden by this policy, or that any sales representative, distributor, or other person is engaged in the type of conduct (whether or not in connection with a transaction involving the City) which, if engaged in by an employee would violate this policy, will promptly report such information to the employee's supervisor, and in writing to the City Attorney's office.

Any supervisor receiving a report as cited above will promptly consult with the City Attorney's office and thereafter will, after appropriate investigation, take timely remedial or other action as warranted under the provisions of this policy. Such supervisor will also promptly report the matter to higher management.

## **SANCTIONS**

**Resignation.** Violation of any provision of this article should raise conscientious questions for the employee as to whether voluntary resignation or other action is indicated to promote the best interests of the City.

**Civil penalty.** Violation of any of the provisions of this policy, including but not limited to any failure to file disclosures, in addition to any criminal penalty, shall subject the violator to a civil penalty equal to any pecuniary benefits received because of the violation committed. The civil penalty shall be recoverable by, and accrue to, the City in a civil action brought by the City.

**Criminal penalty.** Any employee who shall violate any provision of this policy shall be subject, upon conviction in a court of competent jurisdiction, to the penalty prescribed in the City Code.

## **Commercial Driver's License (CDL)**

This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.

### **Purpose**

The City of Hardin is committed to providing and maintaining a safe, healthy, and productive working environment for all of its employees and the residents of the community.

### **Policy**

Employees who possess a Commercial Driver's License are subject to pre-employment, random, reasonable cause/reasonable suspicion and return to duty drug and alcohol testing. Loss of an employee's CDL may result in the termination of the employee's employment with the City, if the CDL is an essential function of the employee's job.

The following is a list of Job/Position Classifications that may be tested by CDL requirements:

- Assistant Laborer
- General Laborer
- Maintenance Worker I - V
- Operator in Training I – II
- Certified Operator
- Lead
- Mechanic

### **Procedure**

Obtain a copy of the Drug and Alcohol Testing Policy for the CDL Program by contacting your supervisor or the City Clerk. The aforementioned policy discusses random testing, etc.



# Dress Code

This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.

## Purpose

The appearance and demeanor of City employees has a great impact on residents' perceptions and, consequently, their impression of the City of Hardin.

The purpose of the policy is to provide City of Hardin employees direction for appropriate appearance.

## Policy

The employees' manner of dress is a reflection upon the City government. All employees are expected to dress appropriately and always be well groomed. At all times, regardless of style, attire should be neat, clean, appropriate and professional. Department Heads and the employees' daily duties will determine appropriate attire.

Employees shall be considerate of co-workers, and clients concerning good personal hygiene.

The City of Hardin is confident each employee will use their best judgment in following this policy. Management reserves the right to determine appropriateness, cleanliness, neatness, etc. "Rule of thumb" if unsure an article of clothing is acceptable, then most likely it isn't. If still unsure, then the employee should check with his/her supervisor.

# Education and Training Opportunities

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## Purpose

The City of Hardin believes continuing education and training benefits employees in the performance of their jobs.

## Policy

The City of Hardin encourages the continuing education and training of its employees.

This policy does not apply to any educational/training course, which is either required of the employee by the City or funded by other than regular City funds. Final approval for the educational assistance rests solely with the Department Head and the Mayor and is subject to the availability of budgeted funds.

Regular full-time and part-time City employees may receive reimbursement for a portion of the costs of tuition and books for satisfactory completion of job-related educational course work. To be qualified as job-related, the education courses must:

- maintain or improve skills required by the City; or
- be needed to meet express requirements of the City or of a law or regulation to retain the employee's salary, status, or employment.

Educational assistance does not qualify as job-related if the education courses:

- are needed to meet the minimum requirements of the job;
- will lead to qualifying the employee for a new trade or business; or
- are to fulfill general aspirations for personal reasons by the employee.

Employees must also pass the course with a grade of "C" or equivalent.

Reimbursement will be received after successful completion of the course work.

## Procedure

Employees may contact their Department Head to take advantage of training held in the area that would benefit them in the performance of their jobs. Employees requesting educational assistance must obtain written approval from their Department Head prior to initially attending the course. Upon completion of the course, the employee must provide their final grade to the supervisor. This will then be forwarded to the City Clerk for placement in the personnel file.



# E-Mail and Acceptable Use Guidelines

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## Purpose

Electronic mail or “e-mail” as a business tool utilized by the City of Hardin, offers tremendous opportunities for enhanced productivity and cost savings in the operations of the City. However, it also provides the potential for misuse and abuse. Productive use of e-mail, like any other form of communication, requires understanding of common principles of style and etiquette, fair and responsible use, and consideration of the rights and needs of others.

Appropriate use of the City’s e-mail systems should be the concern of every employee. It is the responsibility of any City employee, elected official or volunteer utilizing the City’s e-mail system to read and familiarize themselves with the City’s policy on e-mail and to abide by the policy.

The City intends to honor this policy, but must reserve the right to change it at any time, with notice, as may be required under the circumstances.

This policy covers the use of the City’s e-mail system by all City employees and volunteers.

This policy is designed to educate all employees and volunteers of the City of Hardin regarding the issues and practices of effective e-mail use; define the City’s policy on the use and retention of e-mail; help authorized users use e-mail properly, consistently and effectively; reduce risk of loss, corruption, mismanagement and unauthorized access to e-mail messages; and increase the quality of the City’s e-mail records.

## Definitions

**Chain e-mail:** an electronic message sent to a number of people asking each recipient to send copies with the same request to a specified number of others.

**E-mail:** (electronic mail); an electronic communications tool provided by the City of Hardin to its employees, elected officials and volunteers to aid with the efficient conduct of City business. It is the electronic transfer of information between users or to recipients outside of the City utilizing telecommunications links. Documents created or received via e-mail may include brief notes, formal correspondence, or substantive documents, and any attached computer files sent with a message.

**E-mail system(s):** all hardware, software and tools owned by the City of Hardin and made available for official use by the City’s employees, elected officials and volunteers for the purpose of performing job functions including communication, information exchange and research.



**Mass e-mail:** e-mail sent to a large number of recipients without any legitimate business purpose.

**Official City business:** includes any activities of employees, elected officials, or volunteers of the City of Hardin, performed in accordance with the mission of the City. This includes any activity involving the expenditure of public funds, decision-making and policy development.

**Personal records:** records of individuals, including e-mail, which do not fall under official City business.

**Public records:** as defined by 2-6-1002 M.C.A., includes any paper, correspondence, form, book, photograph, microfilm magnetic tape, computer storage media, map, drawing, or other document, including all copies thereof, regardless of physical form or characteristics, that has been made or received by a state agency in connection with the transaction of official business and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any agency of the state of Montana. (This also applies to any “political subdivisions” of the State of Montana i.e. the City of Hardin).

**Transitory records:** records that do not set policy, establish guidelines or procedures, certify a transaction, become a receipt, or support business purposes. Such records are created to communicate information rather than perpetuate knowledge and are short-lived or have no administrative value.

**Users:** employees and volunteers authorized by the City to use the email system owned and maintained by the City.

## Policy

The City’s e-mail system may be used by City employees, elected officials and volunteers to promote the efficient conduct of City business. No other persons may use the City’s e-mail system.

Occasional, limited and appropriate personal use of the e-mail system is permitted. Appropriate personal use does not (1) impede or interfere with the conduct of City business; (2) interfere with the user’s work performance or the work performance of any other user, (3) include use of a commercial nature or for a commercial purpose on behalf of the user, (4) result in personal financial gain for the user; (5) become excessive in nature, or (6) conflict with the acceptable use guidelines below. The City’s e-mail system exists primarily to accomplish the work of the City; therefore personal use should be done in a prudent and responsible manner. Such use should not (1) directly or indirectly interfere with the City’s operation of computer facilities or e-mail services; (2) burden the City with noticeable incremental costs, or (3) interfere with the e-mail user’s employment or other obligations to the City.



However, because of the difficulty of determining whether an e-mail message pertains to City business or is a personal record, e-mail users are reminded that an e-mail message is the property of the City if it resides on the City's e-mail system or on the City's equipment and may be a public record, subject to disclosure.

The City reserves the right to deny an employee's use of the e-mail system without further explanation. Messages received or created using e-mail, belong to the City of Hardin. E-mail messages are not the personal property of City users, and users may not claim privacy protection of their communications, including those of a personal nature.

E-mail records of substantive informational or evidential value are public records and must be managed in accordance with the Public Records Act of Montana and all other state and City laws and requirements governing public records.

Users of the City of Hardin's e-mail system must comply with the Acceptable Use Guidelines outlined in this policy.

Upon completion of employment, the departing e-mail user's supervisor may request a review of the contents of the user's mailbox to ensure the continuance of City business. At the exit of a City employee, a memo to remove the employee from the e-mail system will be signed by the employee's supervisor and submitted to the City Clerk.

All new users of the e-mail system will be given a copy of this policy prior to setup of their mailbox and are required to sign an acknowledgment form upon receipt of the policy. Each existing user of the City e-mail system will be given a copy of this policy upon approval of the policy and will be required to sign an acknowledgment form confirming receipt of the updated policy.

## **Procedure**

E-mail may be a public record if it meets the definition of Title 2, Chapter 6: Public Records of the Montana Code Annotated (MCA 2-6-1002). As a public record, e-mail must be identified, managed, retained, and made publicly accessible like public records in other physical formats.

E-mail messages are considered to be official records and open to the public if they are created or received in the transaction of public business and retained as evidence of public policies, activities, decisions, or transactions. Examples of e-mail records that constitute public records include, but are not limited to, policies and directives, correspondence or memoranda related to official business, agendas and minutes of meetings, and any messages and file attachments documenting the initiation, authorization, or completion of a business transaction.

E-mail is not considered to be an official record if it consists of a personal message or a transitory transmittal relating only marginally to the transaction of City business. Examples of unofficial records include acknowledgments of receipts, notices of retirement parties and other office events, and information copies of e-mail transmittals. It should be noted that while these records are unofficial in nature, they might still be subject to public disclosure in some circumstances



## **Monitoring E-mail Use**

The City of Hardin reserves the right to monitor employee use of e-mail by systems administrators or departmental supervisors. Employees are reminded that e-mail use is provided primarily for business purposes and not for personal purposes and that employees cannot expect protection of their personal or business related e-mail correspondence under privacy laws and regulations.

The City will not monitor e-mail messages as a routine matter. However, the City will respond to legal process and fulfill its obligations to third parties. The City will inspect the contents of e-mail messages in the course of an investigation triggered by indications of impropriety or as necessary to locate substantive information that is not more readily available by other means.

## **Security**

Individual users are responsible for protecting their e-mail system and the messages contained therein from unauthorized users. This includes proper use of passwords to prevent unauthorized access. Users should change their passwords frequently and not share them with others.

Employees may not copy passwords belonging to others. Employees may not distribute or make their password or another person's password or access code available to others nor may they attempt or assist others in attempting to discover another's password or evade other security provisions.

Employees may not change, alter, copy or transfer files belonging to others without authorization.

Computers should not be left unattended in a state, which allows inappropriate access to e-mail records or compromises security of the City's e-mail system.

E-mail users must make sure of the appropriate content of messages to specific recipients and must at all times be aware of e-mail's capabilities for altering and forwarding messages. Careful use of share folders will also ensure that e-mail messages are read only by the intended audience.

City users must be careful of e-mails that may contain viruses. As a rule of thumb, do not open e-mail attachments that have been sent unsolicited and/or by an unknown sender. DO NOT OPEN any macros contained in e-mail attachments.

## **Public Access**

Access to public records created or received using e-mail is subject to the public records regulations of the State of Montana Public Records (MCA 2- 6-1001). Access may be obtained through the City of Hardin's procedures for requesting official records.



## Content

Before selecting e-mail as a means for communication or document transmission, users should consider the need for immediacy, formality, accountability, access, security and permanence. E-mail differs from other forms of communication. It is immediate and informal like a telephone conversation, yet more permanent than a telephone conversation. It is irrevocable like a hard copy document, yet easy to duplicate, alter and distribute.

City users must use careful deliberation in choosing the content and recipient(s) of an e-mail message, especially if that e-mail contains material of a sensitive nature. Use of e-mail is not appropriate for highly confidential information. A good rule of thumb regarding the content of e-mail messages is "not to put anything in an e-mail message that you would not want posted on a bulletin board." E-mail should be accurate, courteous and sent only to select recipients with a need to know. When an e-mail message leaves the sender, they relinquish control over it and the recipient is able to do with it what they wish.

City employees must be cognizant of the false sense of privacy and confidentiality suggested by e-mail technology. In fact, more than other communications media, e-mail facilitates the forwarding, copying, and manipulation of messages beyond the creator's control. Messages could also be delivered to the wrong address. Proper discretion in selecting email content and recipient(s) is therefore advised.

E-mail messages originating from City offices must use a professional tone and adhere to an appropriate format, which includes proper grammar, appropriate subject line, and identification of recipient(s). E-mail is closer in nature to a letter, lacking both visual and auditory content of face-to-face communication. Great care should be taken to "craft" the tone of the e-mail message and to provide the recipient with the information needed to appropriately interpret the emotional nature of the contents.

"Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful and inappropriate may not be sent by e-mail, or displayed or stored on City computers." (Michael Overly E-Policy, MACOM, American Management Association, 1999, p. 52). Users encountering or receiving this kind of material should immediately report the incident to their supervisors.

When using e-mail, City users must be careful to avoid copyright violations. Infringement on copyright may occur, for instance, by copying the text of an article in the message (without authorization), or sending an attachment that has been downloaded from the Internet. E-mail itself is subject to copyright and copying or forwarding a message may constitute copyright infringement.

Creating e-mail so it appears to be from someone else is strictly prohibited.

Obtaining access to the files or communications of others is prohibited, unless expressly authorized to do so. An exception is the system administrator (i.e. postmaster) who may need to re-route or dispose of undeliverable messages. Attempting unauthorized access to any portion of the e-mail service or attempting to intercept any electronic communication without proper authorization is prohibited.



E-mail may not be used to represent, give opinions or otherwise make statements on behalf of the City, unless the sender is authorized by the City to do so.

E-mail may not be used to transmit unsolicited material such as repetitive mass mailings or chain messages.

E-mail should not be used “in lieu” of contracts or formal agreements because of the ease of alterations or misrepresentation.

Use short paragraphs in the body of the message, so it is easier to read.

If the message is over a page in length, send it as an attachment. Keep messages focused on one subject as referenced in the subject line.

Include your name and email address as part of your message. You may also include your position, mailing address, phone, and facsimile number.

NOTE: Additional General E-Mail Etiquette Guidelines are attached at the end of this policy as Appendix "A".

### **Subscription to ListSrvs**

Subscription to lists using the City’s e-mail system is acceptable, when the subject of the list pertains to official City business. However, if a user subscribes, then the user must also make sure they know how to unsubscribe from the list and to do so when there is no longer a business use for the information from the list. Users are cautioned that subscribing to lists that may have hundreds of users may have the potential to adversely impact the City’s e-mail system. If this becomes the case, the user must unsubscribe immediately.

### **Storage and Maintenance of E-Mail Records**

Components constituting an e-mail record include message content, as well as transmittal data, sender and addressee information, and any electronic file attachments to the e-mail message. When maintaining email records, City users must manage these components using the most effective method given the technological capabilities available.

E-mail messages must be maintained in a manner that allows their use by other authorized users who have a business need for access to the email’s information.

Sharing e-mail with other authorized users may take place through depositing the records in the appropriate share folders for forwarding a record.

E-mail records must be maintained in an appropriate filing system to ensure proper management, and quick and reliable access to the information maintained in them. The basic options for maintaining e-mail records are (1) a manual filing system and (2) an electronic filing system.



To manage e-mail records manually, print out the messages and file the hard copies in the appropriate folders of the hard copy filing system. This method is easy to implement and especially effective if a well designed filing system already exists. However, this solution can be space intensive and also requires user's time for filing the printout.

If e-mail records are retained in an electronic filing system, the filing system must, at a minimum, have the following attributes:

- allow for grouping of related records (e.g. through the creation of "folders") to ensure their proper context
- allow access to the records by all authorized users to ensure maximum usefulness to the City of Hardin
- facilitate purging of e-mail messages that have outlived their retention period.

Like all other electronic records, e-mail messages maintained in an electronic filing system must be backed up daily to ensure against accidental loss of the information. City users are to select the back-up medium most suitable to their hardware environment. Practices may include backing up to the mainframe, to a network or a server, to PC hard drives or onto removable media such as floppy disks, thumb drives, or CD-ROMS.

Presently, the City's e-mail system stores all e-mail messages on the IT server in the Information Technology Division. The system is backed up daily to magnetic tape. Tapes are retained for thirty (30) days, then recycled and taped over. Messages remain on the server until deleted by the user. Users are ultimately responsible for their individual e-mail. The e-mail system does however allow a user to archive their messages onto a PC hard drive.

## **Retention**

Proper retention and deletion of e-mail records is mandated by MCA 2-6-1012, which also governs the proper disposition of official records in all other formats. Retaining e-mail records according to established retention guidelines (1) preserves computing resources; (2) saves resources required to manage e-mail records and to maintain them in a readable and accessible manner; (3) facilitates access to relevant information; and (4) reduces exposure in litigation to potentially harmful information, while maintaining due diligence.

E-mail records are maintained on the IT server or any other servers selected by the user, until deleted by the e-mail user.

Transitory e-mail records that have been saved to a hard drive or network directory should be purged weekly and deleted when they are superseded or obsolete.

Remember, these records are subject to public records requests and discoverable in legal proceedings. Transitory e-mail messages that accumulate in e-mail systems consume disk space and erode the efficiency of the entire system.



E-mail records that have official record status are subject to the City's records retention and disposition schedules. These schedules apply to all of the City's records, regardless of physical format, and pertain to e-mail records regardless of whether they are maintained electronically or as printouts. To facilitate schedule implementation, e-mail records should be maintained in folders and/or directories that reflect the business function and records series of the records.

If the e-mail is not a public record or an official record, it may be disposed of without consideration for retention and disposition requirements. Users with questions regarding public records issues and records retention requirements should seek answers to these questions from their supervisors, prior to deleting e-mail messages.

When deleting e-mail records according to the appropriate retention guidelines, authorized users must be sure to delete any back-up versions of the records as well. Users of e-mail should also be aware that although the sender and recipient have deleted their copies of an e-mail record, backup copies may exist on the server, on backup magnetic tapes, in a history file on a hard drive or elsewhere.

## **Violations**

Violations of this policy will be dealt with in the same manner as violations of other City policies and may result in disciplinary review/action, ranging from loss of e-mail privileges to dismissal and even criminal prosecution, if appropriate. In the event a user is notified of an investigation, no files may be altered or destroyed.

The City of Hardin owns the contents of all files stored on its systems, all messages transmitted over its systems, and reserves the right to access them. E-mail may be accessed and monitored in the normal course of business by system administrators, supervisors and support staff.

## **User Responsibilities**

People expect responses to their e-mail. It is the user's responsibility to administer their individual mailbox, including (1) checking your e-mail frequently, at least daily is recommended; (2) responding to your e-mail promptly; (3) deleting messages following the guidelines set forth in this policy; (4) managing stored messages following the guidelines set forth in this policy; (5) adhering to the guidelines established in this policy; and (6) learning how to effectively and responsibly use the software of the current e-mail system.

## **APPENDIX "A"**

### **GENERAL E-MAIL ETIQUETTE GUIDE**

#### **Know your audience**

Be aware of the culture and conventions of your e-mail recipients.

Communication and especially e-mail conventions may vary between groups.

Remember also, different users have different levels of experience with technology applications like e-mail. Be patient and supportive with new users.

#### **Proofread**

Spelling and grammar mistakes can be just as distracting in an e-mail message as they are in written communications. Take the time to proofread your messages, especially messages that are used to communicate or document agency business.

#### **Keep messages brief and to the point**

Make your messages concise, not cryptic. Shorter paragraphs have more impact and are more likely to be read by busy people. Most people can only grasp a limited number of ideas within a single paragraph, especially on a computer screen.

#### **Format messages for easy reading**

White space enhances the look and clarity of an e-mail message and a blank line only adds a byte to the message, so don't be stingy. Lengthy messages are almost always read in hard copy form and should be prepared accordingly (e.g. with cover sheets, headers, page numbers, and formatting) and more appropriately sent as an attachment.

#### **Don't over-distribute e-mail**

Every message you send creates work for someone else who must read, consider, and deal with the message. It may be better to post some messages on an electronic bulletin board in order to reduce the number of copies routed to individual users.

#### **Respect the privacy rights of others**

Don't invade privacy. Don't forward or distribute messages without permission. Don't read other people's mail. If you receive someone else's mail, e.g., because the sender entered a wrong address or you happen upon a PC or terminal someone failed to logoff of, use the same consideration you would with traditional mail. Inform the appropriate party, see that the mail is returned, and notify your network administrator.



### **Be aware of differences across e-mail systems**

Others may not have the same e-mail features or capabilities you have, in which case, avoid special control characters like bold, underline, and special fonts; even tabs can differ. With the exception of binary (program) files, keep your lines under 80 characters; if possible don't exceed 72 characters.

Be sure that your editor inserts carriage returns at the end of each line; if not, enter a hard return. Be extra careful with graphics. Whenever possible, find out in advance what e-mail features and software tools your recipients have.

### **Cite the appropriate references and context of a message**

Reference any related e-mail message or posting, and the event, topic, or issue that your message refers to, in order to avoid being taken out of context and misinterpreted. Take time to back up your statements with references to documents or articles, just as you would in written material.

### **Identify yourself**

Especially if you are acting on behalf of an organization or professional association, or if you have relevant background or expertise in a matter, identify your affiliation, title, background, and expertise in your e-mail message. Include your e-mail address in the message and any attachments to it.

### **Separate opinion from non-opinion**

So that readers do not confuse personal opinion with agency policy or position, use labels and explanatory notes to distinguish opinion from fact. If necessary, include a brief disclaimer.

### **Respect copyright and license agreements**

Copyright laws are applicable to e-mail networks. Some software that is available for public retrieval through the Internet requires a valid license from the vendor in order to use it legally. Posting information on networks is similar to publication. Be careful to cite references.

### **Avoid sending e-mail in anger or as an emotional response**

It is best not to send these kinds of messages over e-mail. Such situations are better worked out in person or in another forum. If you do send such a message, be sure to warn readers of your intent with the use of established conventions or explanatory notes. (These messages are often called "flames".)

### **Don't be hasty**

If a message or posting generates negative feelings, set it aside and re-read it later. An immediate response is often a hasty response. Don't rule out the possibility that a misunderstanding or misinterpretation might occur. It is common with e-mail because of the lack of physical cues.



### **Avoid putting text in all capital letters**

Most users suggest that you avoid putting all text in caps because it may seem ANGRY or HARSH. Uppercase text is often interpreted as having extra emphasis.

### **Be careful what you say about yourself and others**

As a general rule of thumb, don't commit anything to e-mail that you wouldn't want to become public knowledge. Think twice before posting personal information about yourself or others. There is always the chance that a message could end up in someone else's hands. Be aware that e-mail messages are often retained on system backup tapes and disks in central computing facilities after they are deleted from the mail system.

### **Don't be fooled by the "illusion" of privacy**

Assume that your message could be around for a long time.

### **Don't send abusive, harassing, or bigoted messages**

This is inappropriate and counterproductive for obvious reasons and reflects badly on the individual and the entire organization. Even on wide area networks, e-mail can usually be traced to the originating machine and user.

Systems on the Internet are actually liable for the misdeeds of their users.

### **Re-read your mail for content and tone before you send it**

On many systems, once you send a message you are committed to it and cannot retract it.

### **Try to keep messages to a single subject; use subject line entries**

The subject line of an e-mail message serves a number of important purposes: (1) it enables busy people to discern the subject of a message and when it must be read; (2) it is used to index the message in mailboxes and file folders; (3) it may be used to identify what messages are "records" and need to be transferred to a central record keeping system in the agency.

### **Post messages only when they are relevant**

### **Don't make messages "urgent" when they don't need to be**

Most of us learned the lesson of "the boy who cried wolf" quite some time ago. In today's world, this lesson rings true for the misuse of priority mail notices. These notices will soon become meaningless with overuse.

### **If you participate in Listservs and User groups, learn the etiquette of each specific group**

(Compiled from The Innovations Group research packet on E-mail and Internet Use Policies)

# Hours of Work

This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.

## Purpose

The City of Hardin's work rules are designed to provide public access to City services and programs. The following provisions shall apply to all City departments in accordance with or in addition to departmental rules and regulations.

## Policy

Regular hours for City employees are 8:00 a.m. to 5:00 p.m. with an hour break for lunch. **All full-time employees designated as regular, seasonal, temporary, and salaried employees shall work a minimum of 40 hours per week.** The Public Works Director or Mayor may adopt other schedules that are deemed more appropriate for a particular function.

All non-exempt employees are required to use a time card and punch in and out at the beginning and end of their work shift and for all lunch breaks.

Departments are responsible for administering work schedules and monitoring use of overtime and special overtime according to City guidelines outlined in the Personnel Policy Manual.

Variation from guidelines described in the Personnel Policy Manual must receive prior approval from the Public Works Director or Mayor.

### Hours of Work-Guidelines

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

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

If an employee is unable to be present at the designated working time, he/she must contact his/her supervisor.

Departments may adopt flexible scheduling plans, subject to the approval of the Public Works Director or Mayor. Any flexible scheduling plans should provide citizen access required by state law.



Employees required to work overtime and eligible to receive overtime pursuant to the Fair Labor Standards Act must be paid at the rate of 1-1/2 times their current hourly wage for all time worked for the City in excess of forty (40) hours per week. Compensatory time should be administered in accordance with the provisions below. Alternate compensatory time plans may be adopted for any department, subject to the approval of the Public Works Director or Mayor. Hours accounted for by leave time, (i.e. holiday leave, compensatory leave, sick leave, vacation leave, etc.) shall not be considered hours worked for the purpose of calculating overtime hours earned in a work week except as outlined below.

The Public Works Director, Judge, or Mayor shall authorize all overtime in advance of its occurrence for their respective employees. Unless arrangements are made to convert overtime into compensatory time, all overtime should be reported in the pay period when it is accumulated and paid accordingly.

**A minimum of one-hour at 1-1/2 times an employee's current hourly rate** will be granted each time a non-exempt employee is required to return to work to perform a City function.

Employees required to travel on behalf of the City as a part of their regularly assigned work duties may earn overtime for the travel time that takes place outside of their regularly scheduled workday.

Non-exempt employees entitled to overtime compensation may be given the option of earning and using compensatory time in lieu of overtime compensation. Compensatory time (comp time) granted to non-exempt employees must be granted at the rate of 1-1/2 hours for every hour of overtime worked.

Compensatory time shall be used in the pay period when it is accumulated.

Employees who are required to remain at work outside their normal work schedule or who are called back to work during a work week in which they have not worked in excess of forty hours due to a holiday, an approved absence using accrued sick leave or vacation leave may be entitled to overtime compensation or compensatory time as outlined above for the hours worked if the requirement to remain at work or come back to work is due to an emergency situation or to perform work deemed critical to providing an essential service to the public. This exception can only be granted by the Public Works Director or Mayor. The employee will only be compensated at the overtime rate if the Public Works Director or Mayor authorizes the exception by signature on the approved departmental payroll documents.

**Exempt Employees:** Exempt employees are responsible for working hours that ensure that their responsibilities are successfully completed in a timely manner. They are prohibited from tracking their time on an hourly basis. In order to ensure adequate coordination of activities and work, however, exempt employees are generally expected to maintain a standard workweek of five days a week, Monday through Friday, from 8:00 am to 5:00 pm. Complete absence from work during one of these days must be accounted for through authorized and reported leave status, e.g. vacation.

Non-Exempt (Hourly) Employees: Hourly employees will work a standard workweek of 40 hours, 8 hours a day, Monday through Friday, 8:00 am to 5:00 pm, with a lunch period and breaks established. Alternate work schedules that meet the following requirements may be established by departments for specific work units or individuals:

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

However, a different workweek can be established. It may begin any day of the week and at any hour of the day. However, any change to the workweek is intended to be permanent and is not designed to change frequently to evade the payment of overtime to non-exempt employees.

## **Incident /Accident Reporting**

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

### **Purpose**

The City of Hardin is concerned with the health, safety, and welfare of its employees. Accident prevention is of primary importance to both the City and its employees.

### **Policy**

Any incident / accident or near miss must be immediately reported to the supervisor and the appropriate form completed. Any incident / accident of a serious nature (excessive property damage and or personal injury) requiring attention shall be immediately reported to the Public Works Superintendent and be followed up in writing.

### **Procedure**

Report any incidents or accidents immediately. Complete the proper paperwork. Forward all report forms to the City Clerk. A copy of the Accident/Injury Report form follows this policy.



# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034  
406-665-9292 Phone 406-665-2719 Fax

## Injury/Incident Report

### REPORT OF:

(Check all that apply)

- ☐ Employee on-the-job injury
- ☐ Occupational illness
- ☐ Damage to City property
- ☐ Damage to citizen's property or person

**THIS FORM MUST BE COMPLETED AND SUBMITTED TO YOUR SUPERVISOR. A DRAFT COPY IS REQUESTED AS SOON AS POSSIBLE, EVEN IF/WHILE YOU ARE ATTEMPTING TO ROUTE FOR REVIEW AND SIGNATURES.**

### EMPLOYEE

Employee: \_\_\_\_\_

Department & Position: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Supervisor Phone: \_\_\_\_\_

### INCIDENT

Date & Time of Incident: \_\_\_\_\_

Address/Location of Incident: \_\_\_\_\_

Describe what occurred:

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Investigating Police Officer: \_\_\_\_\_ Report No.: \_\_\_\_\_

**CDL Holders:** Was employee drug/alcohol tested? If no, why not \_\_\_\_\_

**(Employee must be immediately tested if any of the following occurs: medical treatment is required, either vehicle is disabled, driver receives a citation, or there is a fatality. If testing is not conducted, we must specify why it was not necessary).**

### EMPLOYEE INJURY

Type of Injury and Part(s) of Body \*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(\*Be specific. e.g., sprained R ankle, bruised L wrist, etc.)

Did or will the employee seek medical treatment? \_\_\_\_\_

Name of Dr./Hospital: \_\_\_\_\_

Type of medical treatment: (Must submit doctor's statement/restrictions/release)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did a doctor remove the employee from work? \_\_\_\_\_

Date(s) of absence: \_\_\_\_\_

Did a doctor impose restrictions or limitations due to this injury? \_\_\_\_\_

If yes, explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **CITY VEHICLE AND/OR OTHER CITY PROPERTY**

Description of Property Vehicle Year, Make & Model

\_\_\_\_\_  
\_\_\_\_\_

Vehicle

No.: \_\_\_\_\_

Description of Damage (Attach/Enclose photos):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **CITIZEN/OTHER PARTY INFORMATION**

Name:

\_\_\_\_\_

Address: \_\_\_\_\_ Phone(s): \_\_\_\_\_

City/ST/Zip \_\_\_\_\_ Phone(s): \_\_\_\_\_



Driver Name (if different than above): \_\_\_\_\_ Phone(s): \_\_\_\_\_

Owner Name (if different than above): \_\_\_\_\_

Phone(s): \_\_\_\_\_

Description of Damage (Attach/Enclose photos): \_\_\_\_\_

Vehicle Year/Make/Model: \_\_\_\_\_ License Plate No.: \_\_\_\_\_

VIN: \_\_\_\_\_

Insurance Company: \_\_\_\_\_

Policy No: \_\_\_\_\_

Agent: \_\_\_\_\_

Agent Phone: \_\_\_\_\_

Citizen injuries and treatment: \_\_\_\_\_

Doctor or Hospital: \_\_\_\_\_

**WITNESSES: (Attach signed witness statements as appropriate)**

Witness Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Address: \_\_\_\_\_

Witness Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Witness Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Address: \_\_\_\_\_

**SUPERVISOR'S SECTION**

Date/time employee reported incident to you: \_\_\_\_\_

Based on your investigation, what was the cause of this accident?

UNSAFE ACT UNSAFE CONDITION  
FAILURE TO FOLLOW RULES UNSAFE LAYOUT  
IMPROPER PROCEDURE UNSAFE  
EQUIPMENT/FACILITIES  
HASTE  
INSUFFICIENT EMPLOYEE TRAINING  
FAILURE TO OBTAIN HELP  
ACTION OF ANOTHER PERSON  
IMPROPER USE OF TOOLS/ EQUIPMENT PERSONAL  
PHYSICAL CONDITION

INATTENTION OR DISTRACTION OTHER (EXPLAIN)  
FAILURE TO USE PPE

Supervisor's comments - Including what specific corrective actions have  
been/will be implemented to prevent similar injuries.

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**SIGNATURES:**

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Dept/Division Head: \_\_\_\_\_ Date: \_\_\_\_\_

(ROUTE completed form to-City Clerk.)

Revised 06/30/17



# Life Threatening Illness

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## Purpose

The City of Hardin believes that the employees must be able to perform their duties in a safe and effective manner and ensures that the employees provide every person the same quality of service, regardless of a person's state of health.

## Policy

The following policies will be in effect regarding employees with life threatening illnesses.

1. These employees will be treated the same as all other employees as long as they are able to meet acceptable performance standards and medical evidence indicates that their conditions are not threats to themselves or others.
2. Individual employee health conditions must be kept confidential. All reasonable precautions will be taken to protect employee health and medical information in accordance with Federal and State constitutional and other legal guarantees.
3. The City will provide the following resources for City employees with respect to life threatening illnesses:
  - A. Management and employee education on specific life threatening illnesses.
  - B. Referral to agencies and organizations that offer supportive services for life threatening illnesses.
  - C. Benefit consultation to assist employees in effectively managing sick leave and other benefits.

When an employee is known to have a life threatening communicable disease, such as AIDS, reasonable efforts will be made to determine if co-workers or members of the public are at risk from having job related contact with the employee. If such risk is found, then the City will provide any available information to co-workers or members of the public that is consistent with a compelling public interest or is allowed under confidentiality laws. The City will work closely with City-County Health Departments in making such determinations. Employees may be reassigned if the public is at risk from direct contact such as emergency medical treatment.

For employees having life threatening diseases as well as all other employees, the City reserves the right to require an examination of anyone using sick leave, medical benefits, or workers' compensation benefits, or whose physical or mental condition interferes with the performance of his or her duties, or whose physical or mental condition creates a health or safety threat to the

employees, or other employees of the public, by a medical doctor, psychologist, or psychiatrist appointed by the City.

## **Procedure**

When dealing with situations involving employees with life threatening illnesses, managers should:

1. Remember that an employee's health condition must be kept confidential. Precautions must be taken to protect information regarding an employee's health condition. The employee should be informed, however, that the Mayor, Public Works Director, and must be notified to ensure the best handling of the situation.
2. Contact the City Clerk if information is needed about life threatening illnesses, or if further guidance is needed in managing a situation involving an employee with a life threatening illness.
3. Contact the City Clerk if there is any concern about the possible contagious nature of an employee's illness. It will be determined if a statement should be obtained from the employee's attending physician that continued presence at work will pose no threat to the employee's co-workers or customers, or that the employee will not be at risk of severe illness from exposure to coworkers.
4. Be sensitive and responsive to employees' and co-workers' concerns, and emphasize available employee education for life threatening diseases.

## **Loss or Damage of Personal Property**

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

### **Purpose**

The City of Hardin believes that employees are responsible for their own valuables.

### **Policy**

The City does not assume the responsibility for the loss of money or other valuables by employees.

### **Procedure**

Employees are asked to report missing items to their supervisor or to Public Works Director and/or Mayor immediately.



# Outside Employment

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## Purpose

The City of Hardin believes that City employees provide crucial services to the residents of Hardin and that the employee's position with the City must be primary.

## Policy

The City discourages employees from holding other jobs. If employees find it necessary to take on occasional or a part-time job, then it must not interfere with efficient performance of regular duties or involve a conflict of interest. In addition, the part-time employment must not occur during regular or assigned working hours.

## Procedure

Employees must check with their supervisor before accepting part-time work and must notify the supervisor in writing. Employees must complete an "Outside Employment" form (attached). The form can be obtained by contacting the City Clerk.

# CITY OF HARDIN

406 North Cheyenne Avenue Hardin, MT 59034  
406-665-9292 Phone 406-665-2719 Fax

## NOTIFICATION OF OUTSIDE EMPLOYMENT

(If approved, the approval is for one year from approval date. Employment is subject to annual review.)

Date of Request: \_\_\_\_\_

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

Division: \_\_\_\_\_

Classification: \_\_\_\_\_

Date of Hire with City: \_\_\_\_\_

I hereby notify the City of Hardin of the outside employment described below, understanding that such work will neither conflict with my employment with the City of Hardin, nor cause any conflict of interest, either actual or potential in relation to my employment with the City of Hardin. I understand that I am not representing the City of Hardin in any way, that I am a private citizen. I agree to hold the City of Hardin harmless for any act or omission arising from my outside employment, and that I will not use any City of Hardin resources in my secondary employment including: city time, official reports, computers, vehicles, or any other equipment or resources available to me in the course of my employment with the City of Hardin. **No official shall use public time, facilities, equipment, supplies, personnel or funds for the official's private business purposes.**

Name of Company: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Nature of work to be performed: \_\_\_\_\_

Hours of work: \_\_\_\_\_

Number of hours per day/week/month: \_\_\_\_\_

Estimated Duration of job: \_\_\_\_\_

Immediate Supervisor: \_\_\_\_\_

Note: If work is intermittent and does not follow a fixed schedule, state the approximate hours and schedule:

\_\_\_\_\_

Signed \_\_\_\_\_ Date: \_\_\_\_\_

Public Works Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

Mayor: \_\_\_\_\_ Date: \_\_\_\_\_

Original - Personnel File

cc: Employee

Revised 06/30/17



# **Personnel Records**

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

## **Purpose**

The City of Hardin maintains employee records in the City finance office. The personnel file includes an employee's application, references, transfers, promotion, disciplines, evaluations, and other material relating to his/her employment.

## **Policy**

Personnel files are kept as a confidential record of each employee's employment history. The Public Works Director, City Clerk, Mayor and/or other individuals with an official need to know, also have access to the personnel files.

The City will not provide information from an employee's file to non-employees except where governed by law.

## **Procedure**

In order to maintain up-to-date files, employees must notify the Finance Officer of any changes in address, telephone number, name, educational accomplishments, recent skill developments, and emergency contacts. All information contained in this file is open for the employee's inspection and review by making an appointment with the Finance Officer or the City Clerk.

# Phone Calls and Cellular Phone Use

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## Purpose

To govern the use of the City phone system for personal use and the acceptable use of personal cell phones and cell phones provided by the City of Hardin to its authorized employees and authorized volunteers for the purpose of performing job functions including communication and information exchange.

## Policy

This policy outlines the use of the City phone system the use of personal cell phones, the use of City provided cell phones, and the safe use of cell phones by employees while driving.

## Procedure

### General

Personal long distance calls may not be made at the City's expense. City phone records will be audited on a regular basis. Particular phone numbers may be audited/monitored for misuse.

The City will not require employees to respond to City calls on their personal cellular phones unless they are on-call/on-standby.

Phone calls pertaining to outside employment matters and the utilization of City property are not authorized during an employee's shift. Section 2-2-121, MCA, states that a public employee may not "use public time, facilities, equipment, supplies, personnel or funds for the employee's private business purposes."

### City Phone System

The City recognizes that employees will occasionally need to place and receive personal phone calls during the workday. In all cases, use of City phones for personal calls should be minimal, whether the calls are placed or received. Receiving and placing excessive calls is disruptive to others.

Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard the City encourages is to limit personal calls during work time to no more than one per day as needed. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the City's policy.



Flexibility will be provided in circumstances demanding immediate attention.

### **Personal Cellular Phones**

Personal Cellular Phones can only be utilized during work hours with the prior approval of the Mayor or Public Works Superintendent.

The City will not be liable for the loss or damage of personal cellular phones brought into the workplace.

### **Personal Use of Company-Provided Cellular Phones**

Where job or business needs demand immediate access to an employee the City may issue a business cell phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred.

If an employee experiences a severe personal emergency that results in the need to use the City's cellular phone, he or she shall report the use to their immediate supervisor. Failure to report such use may result in disciplinary action. The use of a City provided cellular phone for personal use is to be limited, strictly, to emergency use only. Employees, who are provided a City cellular phone, shall inform others of this policy and its restrictions.

Employees in possession of City equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection.

Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be required to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

### **Safety Issues for Cellular Phone Use**

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. There shall be no texting while driving. Safety must come before all other concerns.

Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment shall be provided to facilitate the provisions of this policy.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. Violations of this policy will be subject to discipline, up to and including termination.

## **Privileged Information**

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

### **Purpose**

The City of Hardin believes that City employees may be involved with and exposed to privileged information which, in turn, must remain as such.

### **Policy**

Employees involved with plans, programs or information of significant public interest may not use this information for personal gain or to benefit friends or acquaintances.

Employees shall not discuss plans, programs or information that is not public information with individuals who are not affiliated with the City or with individuals affiliated with the City who do not have a need to know the plans, programs or information.

### **Procedure**

If an employee has outside interests which could be affected by a City plan, then the employee must report the situation to their immediate supervisor immediately.

If an employee knows that an employee has discussed information in violation of this policy the employee must immediately report the situation to their immediate supervisor.



# Safety

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## Purpose

The City of Hardin is concerned with the health, safety, and welfare of its employees. Accident prevention is of primary importance to both the City and its employees.

## Policy

Employees are required, in the performance of their duties, to exercise caution; use normal safe working practices; observe and obey safety postings and rules; use and care for required protective equipment and gear furnished by the City and to report all accidents to their supervisor as soon as reasonably possible. **All industrial and vehicle accidents and near misses must be reported to the employee's immediate supervisor. All vehicle accidents must also be reported to the appropriate law enforcement agency** and the employee must insist that all parties involved remain at the scene of any vehicle accident until police officers can investigate.

Motor vehicles purchased by the City of Hardin are equipped with safety belts in compliance with Federal Motor Vehicle Standards. All employees who drive city vehicles shall use and ensure that all passengers use available safety belt equipment installed in the vehicle being operated. The following applies to employees driving "City-owned" vehicles and to employees driving their own vehicles for City business. For purposes of this policy, the term "employee" is inclusive of both supervisory and non-supervisory employees.

## Procedure

Any incident/accident must be immediately reported to the employee's immediate supervisor. The incident/accident will be reported on the Injury/Incident Report. All report forms must then be forwarded to the City Clerk.

# Time Keeping

This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.

## Purpose

The law requires complete and accurate records for compensating employees. This policy defines the guidelines for recording and processing time worked by City of Hardin employees.

## Policy

Maintaining the integrity of the City timekeeping system is essential. Although supervisors have primary responsibility for overseeing the timekeeping procedures in their work units, employees are responsible for recording their time appropriately. All nonexempt employees are required to record their time on a timecard utilizing the time clocks provided by the City.

Positive time reporting is used by nonexempt employees who are responsible for daily entry of exact hours worked and absences. Shift differential and on call hours are also reported, if eligible. The supervisor must verify that the recorded information is correct. Both the employee and the supervisor must sign the time sheet. All nonexempt employees are required to submit a time sheet for each pay period.

Pay and time-off accruals/usage for the nonexempt employee is based on the time sheet recordings.

The City must pay nonexempt employees for all time that the City allows them to work. Thus, even unrequested work that an employee performs must be included in hours posted on the time sheet. Management is responsible for seeing that work is not performed if it does not want to incur the additional expense.

Exempt employees are paid on a salary basis for the job performed on a biweekly basis. An exempt employee is not required to submit a time sheet unless he/she takes vacation, uses sick leave, is out under the provisions of Extended Medical Leave or Workers Compensation, or is using Leave Without Pay.

An exempt employee of the City of Hardin is not required to keep track of actual hours worked for the purpose of getting paid. However, there may be business reasons for keeping track of actual hours worked when required to do so for Cost Allocation purposes, as an example. City of Hardin exempt employees do not earn compensatory time.



An exempt employee should not use vacation to cover an absence from work for less than one workday. Absences for more than one workday need to be coordinated with the employee's immediate supervisor and a time sheet completed to reflect the number of hours absent from work.

## **Procedure**

The City has established certain work descriptions to be used when completing and processing time sheets.

Nonexempt employees report time in quarter-hour increments. Quarter-hour increments are also used for recording overtime and paid time off.

The supervisor and/or designee are responsible for processing the time reporting information according to procedures and time frame established by the Public Works Director and/or Mayor. The time sheet for an absent exempt or nonexempt employee should be completed and processed by the supervisor so the appropriate pay deposit occurs.

## **Travel Policy**

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

### **Purpose**

Employees with prior approval will be allowed to travel for necessary City purposes and will be reimbursed for reasonable and necessary expenses incurred in getting to and from those places involved in City business.

### **Policy**

The travel policy acts as a basic guideline for all City departments and employees who use City-owned vehicles and who travel on City business. A variety of transportation modes exist and it is also the City's policy that the least expensive mode of transportation available be used while considering both time and actual reimbursement costs. The Public Works Director and/or Mayor gives final approval for travel and vehicle use. Department heads and supervisors must carry out the policy and must ensure that their employees follow correct procedures. Reimbursed expenses include only those incurred while traveling in connection with official business.



# Procedure

The Finance Officer is responsible for determining that the travel policy is being followed; that proper accounts are being charged, and that there are budgeted funds available.

A. All travel, including the means of transportation to and from a destination, must be approved by the appropriate Department Head or designee before any trip is made. The use of the training or the conference requisition is required for all travel (except within the City of Hardin) and will be submitted to the Finance Officer and the Public Works Director and/or Mayor for approval.

1. A written travel or conference requisition form, when required, should be submitted at least six (6) weeks prior to the travel. Any purchase order(s) relating to the travel will be submitted three (3) to four (4) weeks prior to the travel.

2. Cash advances are discouraged, but can be requested by employees who have received their Department Head or designee's approval to do so.

B. All travel outside the Continental United States and Canada (State of Montana) must be reviewed and approved by the City Council.

C. All transportation shall be by the most economical means, taking into consideration the direct cost of the carrier, the cost of the employee's time away from the office, and expenses incurred for additional nights lodging and meals. All commercial air travel shall be by the least expensive service available. An employee may be asked for documentation justifying the means of transportation and/or cost savings.

D. If travel by automobile is decided to be appropriate in terms of cost and time, the employee will use a City-owned vehicle. Exceptions (including the use of a private vehicle) need the approval of the Public Works Director and/or Mayor.

- When a City-owned vehicle is available and a private vehicle is used, reimbursement will be limited to the reduced allowable mileage rate established in 2-18-503-2a MCA. Otherwise the employee will be reimbursed based upon the mileage rate currently allowed by the IRS.
- The allowable mileage rate shall be established annually based upon the mileage rate currently allowed by the IRS.
- Reimbursement for mileage will be from the employee's workplace to the travel destination and returning to their work place.

E. When practical, employees will car pool when attending the same conference or training. An employee may take their own car but will not be reimbursed for mileage, or upon agreement split the reimbursement with the other drivers.

F. All things being equal, employees shall stay at the hotel/motel with the most reasonable rate.

G. Explanation for the necessity of a rental car will be included on the travel requisition form and subject to approval by the Public Works Director and/or Mayor.



H. A completed travel expense report showing expenses for reimbursement, and a detailed meeting/conference agenda, must be filed with the Finance Officer within ten days upon the return from the trip.

I. Travel expenses which require reimbursement shall be supported by vendor receipts. No reimbursements will be made without vendor receipts or documentation, except for certain instances where receipts are not customarily provided. Money spent for entertainment or personal items will not be reimbursed. Per diem allowance for meals is the only allowable method for reimbursement.

**MEALS PER DIEM WITHIN THE STATES OF MONTANA, WYOMING, NORTH DAKOTA AND IDAHO - NO RECEIPTS NEEDED:**

**Breakfast \$ 6.00**  
**Lunch \$ 7.50**  
**Dinner \$16.50**  
**Daily Total \$30.00**

**MEALS PER DIEM FOR TRAVEL OUTSIDE THE STATE OF MONTANA, EXCEPT FOR WYOMING, NORTH DAKOTA AND IDAHO - NO RECEIPTS NEEDED:**

**Breakfast \$ 10.00**  
**Lunch \$ 12.00**  
**Dinner \$ 22.00**  
**Daily Total \$44.00**

The employee is unable to claim a meal if it is included in the registration cost of the training/conference. Exceptions include continental breakfasts, additional costs for banquets, and when the employee attends a training session or required business meeting during a scheduled meal.

If travel or attendance occurs during the following time slots, per diem payment may be made for the indicated meals.

**12:00 a.m. to 11:00 a.m. - Breakfast**  
**11:01 a.m. to 5:00 p.m. - Lunch**  
**5:01 p.m. to 11:59 p.m. - Dinner**

J. All personal trips made together with official trips must be approved by the Public Works Director and /or Mayor before the trip is made and must cause no additional expense to the City.

K. Employees may be asked for additional information or documentation before reimbursement.

L. The Public Works Director and/or Mayor may approve exceptions to this policy.

# Weapons

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

## Purpose

The City's goal is to maintain a safe and secure environment for its citizens and employees. This policy outlines procedures involving the use of weapons or the threat to use weapons.

## Policy/Procedure

A weapon is any device, object, or substance which can cause bodily harm or damage to property, including guns, knives (blades longer than 2 inches in length), clubs, bombs, poison, or any other item which may be used with intent to inflict injury.

No city employees are permitted to carry or have weapons on City property. All incidents involving use of weapons, or threats to use weapons, must be reported immediately to the Big Horn County Sheriff's Office and, if it is a City employee who has used or threatened to use a weapon, then the Public Works Director and the Mayor must also be notified.

The Department Head may grant written exceptions to the above. Exceptions may only be granted for the carrying of pepper spray for personal protection and for knives that are utilized in the performance of the employee's job. A copy of the written exception will be forwarded to the City Clerk. Oral exceptions may not be granted.

# Breast Feeding in the Workplace

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

## Policy

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



## **Section 2**

### **Compensation and Benefits**

# **Attendance Incentive**

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## **Purpose**

The City of Hardin believes that employees with good attendance should be recognized and rewarded with additional time off.

## **Policy**

An attendance incentive plan provides up to twenty-four (24) hours of additional vacation time per year depending upon the employee's attendance record. The amount of incentive to be awarded will be determined at the end of each calendar year. The maximum of twenty-four (24) hours will be reduced, hour for hour, for each hour of sick leave which the employee has used during each full calendar year of employment. Funeral leave and sick leave for medical appointments will not be counted as sick leave when determining attendance incentive awards. The attendance incentive for eligible part – time employees will be prorated based on the numbers of hours worked. New employees will not be eligible until they have completed a full calendar year (January – December) of employment.

## **Procedure**

Employees will be notified by City Clerk to determine employee eligibility.

# Call-Out Pay

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.**

## Purpose

The City of Hardin believes non-exempt employees who are called back to work to meet the needs of the residents served by the City or to meet the needs of a department should be compensated.

## Policy

Eligible non-exempt employees called back to work, outside of their regularly scheduled work hours, will be compensated at a rate of one and one-half times (1 ½) the employee's regular rate of pay for a minimum of one (1) hour. In the event the callout extends into the employee's regularly scheduled work shift, the time and one-half (1 ½) rate of pay shall be paid for only the actual time spent before the regular shift begins.

## Procedure

Non-exempt employees who may be called back to work must furnish their supervisor with a valid telephone number. When called back to work, the employee must respond to the call back request in accordance with Department policy.

# Compensatory Time

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.**

## Purpose

The City of Hardin believes that allowing employees to choose between compensatory time and overtime payment is an important benefit that supports a diverse workforce with differing needs and desires.



## **Policy**

Eligible non-exempt employees may, at their option, with department head approval, accrue compensatory time at the rate of one and one-half (1 ½) times the overtime hours worked in lieu of overtime payment. Compensatory time shall be used in the pay period when it is accumulated.

## **Deductions from Salary**

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

### **Purpose**

The City of Hardin is committed to following Federal and State laws. The City of Hardin believes that offering employees options regarding additional payroll deductions meets the needs and desires of a diverse workforce.

### **Policy**

Examples of “required” and “optional” deductions are below (this list is not all inclusive):

**Required Deductions:** Federal and State Withholding Taxes: Federal and State withholding taxes are deducted according to an employee’s filing status, the number of claimed dependents, and salary earned.

**Social Security and Medicare:** Social Security and Medicare are deducted from employee earnings according to U.S. Government regulations.

**Insurance Plans:** Insurance contributions are made through payroll deduction.

**Retirement Contributions:** Retirement contributions to the employee’s respective retirement system will be deducted each pay period as per State Law.

Additional deductions for optional insurance, 457B or collective bargaining dues may also be deducted with employee approval.

### **Procedure**

**Federal and State Withholding Taxes:** To declare the deductions desired, a W-4 Form must be completed and must be submitted to Finance Office.

# **Donated Sick Leave**

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

## **Purpose**

The City of Hardin believes sick leave is an important benefit to part-time and full-time employees.

## **Policy**

Employees can donate a portion of their own sick leave to another employee who has used up all his/her accumulated sick, vacation and compensatory time due to his/her own illness or to care for someone in his/her immediate family.

An employee can donate in half-day or full-day increments of time (4 or 8 hours if on an 8 hour shift or 5 or 10 hours if on a 10 hour shift, etc.)

Any donated sick leave will not be charged against sick leave for Attendance Incentive purposes or other such programs.

## **Procedure**

Employees, who meet the above criteria, must contact their supervisor and Finance Officer of the need for sick leave donation.

For information concerning issues regarding HIPAA and this policy, see the HIPAA policy.

# **Health Insurance**

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

## **Purpose**

The City of Hardin believes that providing health insurance is an important benefit.



## Policy

The City maintains an insurance plan for full-time and part-time employees, retirees, and eligible dependents. The City oversees the administration of the plan. Refer to the current plan document for health insurance eligibility.

Employees may be required to make premium contributions depending on the level of coverage the employee chooses.

## Procedure

For more detailed information regarding insurance coverage during a leave of absence, or for specific questions on submitting claims or to receive a copy of the Group Health Plan contact the Finance Office.

# Holidays

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

## Purpose

The City of Hardin believes Legal State holidays are an important benefit.

## Policy

Following are legal holidays:

- New Year's Day, January 1.
- Martin Luther King Day, third Monday in January.
- Presidents Day, third Monday in February
- Memorial Day, last Monday in May.
- Independence Day, July 4.
- Labor Day, first Monday in September.
- Columbus Day, second Monday in October.
- Veteran's Day, November 11.
- Thanksgiving Day, fourth Thursday in November.
- Christmas Day, December 25.
- State-wide Election Day in November of even numbered years.

Any day declared a national legal holiday for all governmental subdivisions within the entire nation by the President of the United States; any day declared a state legal holiday for all

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

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.

### **Eligibility**

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

Example: Holiday is a Friday. Employee must be in a paid status (work, Sick Leave or Annual Leave) on both Thursday AND Monday to earn the Holiday Pay. If Monday is the employee's normal day off, then they must be in a paid status on Thursday AND Tuesday.

### **Accrual**

Regular and Temporary Full-Time employees earn eight hours per Holiday. Regular part-time and seasonal employees will earn pro-rata holiday based on the employee's regular schedule at the time the holiday occurs.

Examples showing an employee's regular schedule at the time of a holiday using 28 hours and 16 hours:

a)  $28 \text{ (regular schedule)} / 40 \text{ (full-time week)} * 8 \text{ (full time holiday hours)} = 5.50 \text{ hours holiday (rounded to the nearest quarter hour)}$

b)  $16 \text{ (regular schedule)} / 40 \text{ (full-time week)} * 8 \text{ (full time holiday hours)} = 3.25 \text{ hours holiday (rounded to the nearest quarter hour)}$

Short Term Workers do not earn Holiday pay.

### **Use of Leave**

If one or more regular holidays fall in the period of an employee's annual leave, then the annual leave record will be credited for the holiday(s).

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

All regular employees in those departments that are required to remain operational during a holiday, or that have a scheduled work week which includes working on a holiday, may be given time off for the holiday within the same work week.

### **Work on a Holiday**

Non-exempt employees who are called to work or required to work by their supervisor on a legal holiday for which they would regularly be scheduled a day off with pay, shall be eligible to receive payment at a rate of one and one half times their normal pay rate for the hours worked on the holiday.



Exempt employees required by management to work on a day a holiday is observed shall be granted another day off, within the same pay period.

## **Leaves of Absence**

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

### **Purpose**

This policy outlines the provisions of the leave of absence program for City employees.

### **Policy**

A leave of absence (unpaid) is an authorized absence from work for a specific period of time. It protects employment, accrued benefits, and length of service. However, during an unpaid leave of absence the employee does not accrue benefits. Accumulated vacation (vacation already earned) will not decrease during a leave of absence.

### **Procedure**

A request for a leave of absence must be submitted to the Public Works Director and/or Mayor for City Council approval. The request must clearly state the reason and the length of time the employee will be absent. Except in an emergency, a request for a leave of absence must be submitted in writing 30 days prior to the requested starting date.

#### **Extended Medical Leave**

Employees are eligible to use up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12) month period if the leave is for the following reasons:

1. The birth of a child;
2. The adoption of a child or placement of a foster child;
3. The care of a spouse, child, or parent with a serious health condition;
4. The employee's recovery from a serious health condition.

The 12-month period is a "rolling" 12-month period measured backward from the date an employee uses any Extended Medical Leave (XML). This means that any time an employee takes XML the remaining leave entitlement would be any balance of the 12 weeks that has not been used during the immediately preceding 12 months.



For example, an employee requests XML to begin August 1, 2001, the employee took (12) weeks of family leave beginning October 1, 2000. The leave would be denied because in the prior twelve (12) month period (August 1, 2000 to July 31, 2001), the employee used twelve (12) weeks of XML leave.

An employee must be employed by the City for at least 12 months and must have worked at least 1,250 hours during the preceding 12 months to be eligible for XML. An employee wishing to take XML leave must give the City at least 30 days advance notice when the leave time is foreseeable. When it is not possible to provide such advance notice, the employee must provide notice as soon as "practicable," ordinarily within one or two business days after the employee learns of the need for the leave.

The City may require medical certification to support a request for leave because of a serious health condition. The City may request a second or third medical opinion, at the City's expense. The City may request periodic medical updates from the employee at any time. An employee is not required to obtain medical certification for the first 6 calendar weeks of leave following childbirth.

All sick time must be exhausted prior to an employee taking the balance of XML leave as an unpaid leave. An employee may then choose to use accrued vacation or compensatory time (if applicable). Any paid or unpaid leave will count against the employee's 12-week entitlement.

During an unpaid XML leave, the employee is responsible to pay their insurance premiums and the City will continue paying the City's portion. If the employee fails to make a required payment benefits may be discontinued. If the employee fails to return to work after taking XML leave, the employee may be liable for repayment of health insurance premiums paid by the City during XML leave.

### **Military Leave**

The CITY shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act, (USERRA, 38 USC Sec. 4031 et seq) as well as all relevant state laws (to include 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, not to exceed 240 hours total for the calendar year. Any excess leave, beyond 240 hours, will be forfeited. Military Leave can be for attending regular encampments, training cruises, and similar training programs of the military forces of the United States.

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. This leave will not be charged against the employee's annual leave.



## **Funeral Leave**

In the event of a death in the family, City employees will be granted time off with pay up to a maximum of five (5) days per occurrence. Days off will be charged to sick leave, but will not be considered when determining the attendance incentive. If the employee has not completed his/her 90-day waiting period, the deductions from sick leave will be made as he/she earns sick leave. The definition of family for this section includes: spouse, parents, step-parents, brother, stepbrother, sister, stepsister, children, stepchildren, household dependents, grandparents, grandchildren and all the same relatives of the employee's spouse in like degree.

## **Family Sick Leave**

The time granted for family sick leave will be charged to sick leave, but will not be considered when determining the attendance incentive. This time must be used for an accident or illness of an immediate household family member; or parents or parents-in-law of the employee, and must be reported to the supervisor prior to the sick leave use.

## **Jury Duty and Subpoena**

It is the civic duty of each City employee to serve on a jury if the employee is properly summoned. Employees called for jury duty must promptly notify their supervisor so plans can be made to cover the employee's work assignments. Employees may take leave with pay and give the jury fees earned (excluding expenses) to the City or take vacation leave and keep the jury duty fee.

## **Workers' Compensation**

Employees, who are injured or have an illness as a result of their employment, are covered by the Workers' Compensation Act and are entitled to Workers' Compensation benefits. The Montana Municipal Interlocal Authority (MMIA) administers Workers' Compensation benefits for the City. Employees may elect to use sick leave credits or Workers' Compensation payments. State law defines Workers' Compensation benefits and all employees are entitled to the same benefits and appeal processes. The City Clerk must be notified immediately of work-related incidents and lost time cases. If an employee is out for more than six (6) months under Workers' Compensation, the employee will be required to pay the City's monthly health insurance premium.

# Longevity Pay

This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.

## Purpose

The City of Hardin believes that longevity pay is a way to recognize employees for continued service to the City.

## Policy

Employees with at least six years service receive longevity pay in an increase of their hourly rate beginning on the anniversary date of their hiring by the City. Longevity pay is based on the number of years of service. The years of service are based on the date of hire with continuous service. Longevity pay is incorporated in the Pay Matrix in the Collective Bargaining Agreement (CBA). Employees not subject to the CBA will receive the same benefit.

## Procedure

The Mayor and/or Public Works Director with the assistance of the Finance Officer determines employee eligibility.



# Pay Day

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.**

## Purpose

The City of Hardin believes that employees should be paid in a timely manner.

## Policy

The City of Hardin distributes paychecks bi-weekly, every other Friday. Each pay period covers fourteen calendar (14) days, beginning on a Sunday and ending on the second Saturday at midnight. Therefore, the check in payment for the days worked is received six calendar (6) days after the end of the pay period.

## Procedure

**Paychecks are picked up and distributed by the Finance Officer or designated employee.**

If an employee wishes to make other arrangements for an emergency situation, then he/she should contact the Finance office the Monday prior to the payday. If the employee desires a paycheck to be picked up by someone other than the employee, the employee must provide to the Finance Officer a written authorization stating the name of the individual authorized to pick-up their check.

The City also offers electronic deposit. This must be authorized by the employee. The City will notify employees if the electronic deposit will not be available on the Friday of pay. The employee can determine if they want a paper check or wait until the next available electronic deposit date.

An employee that is terminated, resigns, or retires will be issued their final paycheck within 15 calendar days or the next scheduled pay period, whichever is less. Any outstanding amounts owed to City will be deducted from the employee's final paycheck.

# Position Classification

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.**

## Purpose

The City of Hardin believes that positions should be evaluated and classified to ensure equitable pay among all employees.

## Policy

It is the policy of the City of Hardin that all City positions are classified according to the responsibilities of the position, duties to be performed and educational or experience requirements. Once classified, the position will be assigned a salary range which will take into account both internal equity and the external market.

## Procedure

Employees usually begin at the minimum of the pay range. Starting pay greater than the minimum, must be approved by the Department Head, Public Works Director and the Mayor. Merit increases, which are given on the 1<sup>st</sup> Day of July, are based on job related performance and are measured by a performance evaluation process.

Mayor, Finance Officer and/or Public Works Director will make periodic reviews of the classification plan and make recommendations to the City Council for necessary changes.

# Sick Leave

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

## Purpose

The City of Hardin believes sick leave is the necessary absence from duty caused when an employee has suffered illness, injury, pregnancy-related illness, exposure to a contagious disease that requires quarantine, or the necessary absence from duty to receive a medical or dental examination or treatment. The City of Hardin believes sick leave is earned, based upon months of service, and an important benefit to part-time and full-time employees.



## **Policy**

Each full-time employee earns paid sick leave from the first full pay period of employment at the rate of eight (8) hours per month, without restriction as to the number of hours that may accumulate. Employees may use earned sick leave after being employed ninety (90) consecutive days.

Part-time employees are entitled to pro-rated sick leave if they have a regularly scheduled work assignment. Short Term Workers do not accrue sick leave.

Sick leave should be used for an employee's personal illness, well care and medical and dental appointments. Sick leave may also be used for illness and well care in an employee's immediate family (i.e., spouse, child(ren), mother, father, grandchild, or grandparent). If the employee is on leave under the Extended Medical Leave (XML), sick leave must be used initially as part of the XML leave. Sick leave shall always be exhausted for the aforementioned issues prior to utilizing vacation leave, comp time or requesting leave without pay.

Upon separation from the City, an employee will receive a lump sum payment equal to one-fourth of the pay attributed to unused sick leave if they have worked the qualifying 90-day period.

The payment will be computed at the employee's rate of compensation at the time of termination. Upon the death of an employee, unused sick leave will be paid at 100 percent.

A physician's certificate may be required to substantiate a sick leave charge. Physician's certificates may be paid by the City if the employee is examined by a physician of the City's choice and at a time designated by the City.

## **Maternity Leave**

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

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

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

# Procedure

The immediate supervisor must be contacted regarding the employees necessary absence from duty caused by illness, injury, pregnancy-related illness, a contagious disease which requires quarantine, or medical or dental examinations. Finance Office should be contacted if there are questions regarding sick time earned and accrued.

## Vacation

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

### Purpose

The City of Hardin believes vacation time is earned, based upon years of service, and an important benefit to part-time and full-time employees.

### Policy

#### Accrual of Leave

Each regular full-time, regular part-time employee, temporary 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.

**Regular full-time employees accrue Annual Leave as follows:**

Time Worked	Work Day Credit Per Year	Hours per month based on an 8 hour day
1 day through 10 years	15	10
10 years through 15 years	18	12
15 years through 20 years	21	14
20 and over	24	16

Regular part-time employees accrue annual leave on a prorated basis, based upon the hours worked during the pay period.

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

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. Annual Leave exceeding the maximum amount must be used within 90 calendar days of the next calendar year in which the excess was accrued or it will be forfeited.

### **Requesting Leave**

Requests for annual leave must be submitted in advance and pre-approved by the employee's supervisor or the Mayor and/or their designee. The annual leave will be approved after considering the best interest of the City, the employee's 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, the Mayor and/or their designee to grant paid annual leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period. Should two employees request the same period of Annual Leave, their supervisor or the Mayor and/or their 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 for any reason, shall be entitled upon termination to cash compensation pay-out for unused Annual Leave. The payout will be based upon the employee's salary at time of termination.

### **Procedure**

Vacation time must be accrued before it may be used. Employees must receive their immediate supervisor's approval prior to using vacation time. Finance Office should be contacted concerning questions regarding vacation time earned and accrued.

### **Public Office Leave**

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

## Section 3 Employment

# Drugs and Alcohol

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## Purpose

The City of Hardin is committed to providing and maintaining a safe, healthy, and productive working environment for all of its employees and the residents of the community. Substance abuse increases the potential for accidents, absenteeism, substandard performance, and poor employee morale. Impaired judgment of City employees may have serious financial consequences for the city through increased safety risk, potential accident liabilities, increased Worker's Compensation liabilities, and potential faulty decision-making.

Substance abuse undermines the City's mission to provide the community with an excellent quality of life through leadership, communication and delivery of service which are responsive to resident's needs, cost effective, and oriented to the future.

## Definitions

**Controlled Substance:** Means a controlled substance in Schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. ' 812), and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.

**Conviction:** Means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

**Duty:** Means the status and time of a person who is assigned to work or time an employee is scheduled to report to work. Any time the employee is not fully and completely released from work.

**Work Place:** Means the site for the performance of any city work. Worksite includes City vehicles and private vehicles while being used by employees in the performance of their duties.



# Policy

All employees of the City are prohibited from:

- Using, consuming, distributing, or possessing alcoholic beverages or illegal drugs while on duty or reporting for duty while under the influence of alcoholic beverages or illegal drugs.

- Use of, consumption of, distribution of, or possession of alcoholic beverages and illegal drugs by employees are prohibited in City worksites and at all times whether on duty or off duty. The term “work site” includes City vehicles and private vehicles while being used by employees in the performance of their duties.

- Use, distribution, dispensation, possession, manufacture, or sale of (illegal drugs) while off duty which adversely affects the employee's work performance, the safety of the employee or others at work, or the City's regard or reputation in the community. This includes reporting to duty while under the influence of illegal drugs.

- Use of alcohol off duty that adversely affects the employee's work performance, the safety of the employee or others at work, or the City's regard or reputation in the community. This includes reporting to duty while under the influence of alcohol.

Any employee violating this policy will be subject to discipline up to and including discharge.

Any employee who is disciplined under this policy will be referred to a drug/alcohol abuse assistance or rehabilitation program. For further information pertaining to being referred and testing, see the **Drug and Alcohol Testing: For Cause/Reasonable Suspicion Testing** policy.

Employees who possess Commercial Driver's Licenses are subject to pre-employment, random, reasonable suspicion and return to duty drug and/or alcohol testing (see **the Commercial Driver's License** policy).

## Procedure

Public Works Director and Mayor shall be notified of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after a conviction.

If the employee's division or department receives federal grant funds, the Division or Department Head shall determine if the federal agency needs to be informed.

All City employees shall cooperate in the City's investigation of substance use and abuse.

# Employment Anti-Discrimination Practices

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## Purpose

The City of Hardin believes that equal opportunity in employment is a moral and legal obligation. The City of Hardin is committed to providing equal opportunity for women, minorities, veterans, and persons with disabilities in employment. The City of Hardin is further committed to upholding the multiple federal and state laws that prohibit discrimination on the basis of race, sex, age, religion, national origin, marital status, color, creed, disability (as defined by the Americans with Disabilities Act and ADA Amendments Act), genetic history, political beliefs, and veteran/military status.

## Policy

It is the policy of the City of Hardin to recruit and select persons for appointment and employment, and to train, advance, promote, and transfer such persons on the basis of individual capability, potential, or contribution to the programs and goals of the City. Each department head, supervisor and employee of the City of Hardin is responsible for conducting appointment and employment activities in support of and in compliance with this policy.

The City of Hardin respects, supports, and observes the laws, directives and regulations of the state and federal government that prohibit discrimination.

A climate of equal opportunity that nurtures and supports the fullest contributions of each employee is essential “to provide our community with an excellent quality of life by delivering cost effective public service.”

Creating and sustaining this climate is the responsibility of all who work for the City. Leadership is expected to reinforce these principles.

Finance Officer is responsible for assembling employment and enrollment data and implementing new diversity efforts. Public Works Director or Mayor, in coordination with the City Attorney, may investigate individual complaints and concerns.

This policy is related to all phases of employment including but not limited to:

recruitment, selection, testing, employment, placement, layoff, promotion, demotion, transfers, discipline, termination, pay rates, and training. This policy does not preclude discrimination based on bona fide occupational qualifications or other recognized exceptions under the law.



The City of Hardin also believes in making reasonable accommodations as needed to enable qualified disabled employees and applicants to satisfactorily perform the essential duties of City jobs, except where the accommodations would impose an undue hardship on the City.

All applicants for employment with the City of Hardin will be recruited from the reasonable labor market and evaluated on each person's individual qualifications and abilities. All City of Hardin employees shall be afforded equal employment opportunities during their terms of employment and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure rights to equal employment opportunities or testifying on behalf of someone else doing so.

All supervisory personnel are responsible for, and shall be committed to, achieving and promoting equal employment opportunity with the City of Hardin.

This policy also relates to the use of all facilities and participation in all City sponsored employee activities. It is the responsibility of each supervisor of the City to ensure affirmative implementation of this policy so as to avoid any discrimination in employment practices. In addition, each employee has a responsibility not to discriminate and to report instances of discrimination by others.

If an employee believes he/she is being subjected to any of these forms of harassment, he/she must bring this to the attention of the immediate supervisor or other functionally related management person or Public Works Director or Mayor. The very nature of harassment makes it impossible to detect unless the person being harassed registers his/her discontent and/or reports the offensive conduct. For additional information see the Mutual Respect and Sexual Harassment policy.

### **Discrimination Complaint Process**

If a City employee or other individual believes he/she has been discriminated against on the basis of race, creed, national origin, color, sex, religion, genetic history, political belief, veteran/military status, disability, marital status or age, the individual may take action submitting the complaint to the Public Works Director or the Mayor.

The complaint may also be submitted in writing to any of the following levels:

1. Public Works Director and/or Mayor
2. Department Head
3. Finance Office
4. City Attorney
5. State of Montana Human Rights Commission within 180 calendar days of the alleged action or incident.

Complete confidentiality may be requested and will be complied with to the extent legally possible.



An individual is encouraged to first discuss their complaint with their immediate supervisor or Division/Department Head, in an effort to settle the issue at the lowest possible level. Discussions should occur within 10 days of the incident.

If the complaint is not resolved at the Departmental level, a written complaint (see attached form) shall be filed with the Public Works Director or Mayor within 30 days of the incident. The Mayor will appoint an individual to investigate, with the goal of concluding the investigation within 45 days of the receipt of the complaint.

If the City of Hardin cannot resolve the complaint, then the complainant shall be notified of all appeal rights.

Should the complainant decide not to pursue the complaint, a signed withdrawal statement shall be obtained.

## **Gifts and Endorsements**

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

### **Purpose**

The City of Hardin believes that the employees are committed to having our entire professional and business dealings adhere to the highest ethical standards. The conduct of the City will always reflect our commitment to quality, fairness, honesty, and service. The City will seek to avoid any actions that violate, or that may appear to violate, those standards and values.

### **Policy**

No employee shall accept any gift, whether in the form of money, thing, favor, loan or promise, that is offered to influence an official decision or to prejudice an official opinion or action.

No employee shall accept a cash gift for any reason.

Except as provided above, an employee may accept a gift or favor of food, merchandise or services whose cash value is less than fifty (\$50.00) dollars.

In addition, residents may ask employees to recommend or endorse certain products or companies as a solution to various problems. City employees are prohibited from endorsing any such products or companies. However, employees may respond to specific inquiries regarding products or services.

Violation of this policy may result in disciplinary, criminal or civil sanctions.

### **Procedure**

Avoid both actual and potential conflicts between his or her private self-interest and the public interest.



# Mutual Respect and Sexual Harassment

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## Purpose

Mutual respect, consideration and courtesy are expected of everyone employed by the City of Hardin. City employees have the right to pursue their careers free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment. Sexual harassment, for purposes of this policy, includes any gender-based harassment.

This policy communicates the City of Hardin's position on sexual harassment and its expectations for appropriate behavior. This policy applies to and prohibits sexual harassment by everyone who works for the City of Hardin, including administration, supervisors, and all full-time, part-time and temporary employees, as well as vendors and any other individual with whom employees come in contact with while on the job. It is the responsibility of all employees and management who believe they have been harassed to report such behavior so that the behavior can be investigated and appropriate action taken.

The City of Hardin intends to maintain an environment, for employees that is free from sexual harassment and intimidation. The City of Hardin recognizes that sexual harassment undermines morale and interferes with the productivity of individuals and their co-workers. Such conduct will not be tolerated.

## Policy

Federal and state law prohibits sexual harassment. Such harassment includes unwelcome sexual advances; requests for sexual favors; sexually-motivated physical contact; verbal, written and electronic communications; and visual and physical conduct of a sexual or gender-based nature when (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting an individual, or (3) such conduct is intended to or does interfere with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment may also take more subtle forms. Examples include stereotyped assumptions about the roles of men and women in the work force, or gender based jokes or rumors. It is important that employees, supervisors and managers be sensitive to overtones of harassment and deal with these situations appropriately.

Disrespectful behavior of any kind, sexual or any other form, ranging from inappropriate humor and subtle hints to overt acts, threats, or physical contacts, will not be tolerated.

City of Hardin employees have an affirmative duty to report to their appropriate supervisor or department head any complaint of a lack of mutual respect, or any sexual harassment that is brought to their attention.

To foster an environment of mutual respect, the following guidance is provided:

1. Develop an understanding for different cultures and other personal differences
2. Refrain from arguing or inciting co-workers and/or customers

3. Avoid:

- insults
- put-downs
- bullying
- trash talk
- threats
- making fun of others
- other acts of discourtesy or disrespect

4. Refrain from spreading gossip and innuendo

## **Procedure**

### **Informal Resolution**

Sexual conduct is considered harassment when it is "unwelcome." An inquiry into an allegation of sexual harassment often involves an assessment of whether the recipient made it known that the conduct was unwelcome. Direct attempt at resolution is encouraged; employees subjected to unwelcome sexual conduct should inform the perpetrator, verbally or in writing, that the conduct is (a) considered offensive and (b) must stop. Documentation of the interaction or copies of the correspondence should be kept and copies should be provided to the supervisor when the harassing conduct is reported. If the response of the perpetrator is unsatisfactory, or the employee feels uncomfortable confronting the perpetrator, the employee should initiate the complaint procedure described below.

### **Formal Reporting**

Employees who believe they have been harassed, have witnessed harassment, or have had incidents of harassment reported to them by coworkers should report these matters to their immediate supervisor or other functionally related management personnel. If the employee is uncomfortable reporting the issue to the supervisor, then the employee may take the concern directly to the appropriate supervisor in his/her chain of command.



The employee may also submit a formal complaint in writing to the City Attorney for assistance. The City Attorney, working collaboratively with the employee's chain of command, will investigate allegations of sexual harassment. Corrective action will be taken when appropriate.

Every effort will be made to resolve allegations of sexual harassment within a reasonable period of time. It is recommended that the investigation be conducted and recommendations for action be developed in 10 working days. The length of an investigation may vary depending upon the nature and scope of the behavior.

### **Investigation**

The investigation will be conducted under the direction of management responsible for monitoring the performance and behavior of the individual accused of harassment. Upon notification, the Mayor's designee will:

1. Conduct an initial interview with the complainant. Information regarding the nature, scope, and extent of the harassment and any potential witnesses will be documented.
2. Decide if action is necessary to protect the safety of the complainant. Such action may include, but is not limited to, change in work schedule or location, personal security arrangements for the complainant, or temporary suspension (with pay pending the outcome of the investigation) of the individual against whom the allegations have been made.
3. Interview any additional witnesses identified by the complainant to gather pertinent information.
4. Meet with the alleged harasser and review the charges brought forward, the policy regarding harassment, the nature of the investigation, and any current action being taken.
5. Interview any additional witnesses identified by the alleged harasser.
6. Ensure that the confidences of all individuals involved in the incident are respected to the extent possible while ensuring a thorough investigation.

### **Action**

All information gathered from the investigation will be reviewed with the appropriate member of management and, if warranted, City Attorney. These individuals will determine action to be taken, which may include, but is not limited to, no disciplinary action, education, an apology, documentation (formal or informal), termination of employment, or other disciplinary action.

### **False Accusations**

If the investigation establishes that the alleged conduct did not occur, then the complainant must be informed that false sexual harassment claims will not be tolerated and will be addressed by appropriate corrective action. The wrongly accused must be assured that the false charges will not affect the terms or conditions of their employment with the City.

## **Recurrence of Harassment**

Employees who have had a complaint addressed by this procedure should immediately report subsequent incidents.

## **Retaliation**

Under no circumstances will retaliation or intimidation of a complainant be tolerated. Individuals who have had a complaint addressed by this procedure or have participated in an investigation shall immediately report any incidents if they are the subject of retaliation or intimidation.

## **Appeal**

An employee who is not satisfied with the outcome of the investigation and resulting action(s) may appeal the decision(s) using the grievance process, if appropriate.

## **Follow-up**

A follow-up review will be completed by the Mayor or his designee within six (6) months after harassment allegations have been confirmed to ensure the harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.



# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034  
406-665-9292 Phone 406-665-2719 Fax

## GRIEVANCE/HARASSMENT REPORT

(Submit to Public Works Director)

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Department: \_\_\_\_\_ Supervisor: \_\_\_\_\_

### STATEMENT:

Name(s) of Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

Description of Incident: (Describe in your own words the actions of all involved - attach additional pages if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the Mayor or his designee will conduct an investigation of my report. A report of harassment, its investigation, the outcome of the investigation and any action taken relating to a specific employee is confidential. Dissemination of confidential information shall be limited to persons with a need to know in order to conduct an investigation and take appropriate corrective action.

I hereby authorize dissemination of information regarding this report to other persons with a need to know.

I acknowledge that I have read and understand the above statements and certify that all information I have provided is true to the best of my knowledge.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Submitted to: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Revised 06/30/2017

# **No Smoking in City Owned Buildings / Vehicles**

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## **Purpose**

The City of Hardin is concerned with the health, safety, and welfare of its employees.

## **Policy**

The City of Hardin established a smoke-free environment for all indoor areas of City-owned buildings and in all City-owned vehicles. Any employee who violates this ordinance may be subject to disciplinary action.

# **Political Activity**

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## **Purpose**

The City of Hardin believes that City employees must use their time at work to focus on work, not on political activities.

## **Policy**

Employees may not solicit any money, influence, service, or item of value or promote any political committee or the nomination or election of any person to public office while on the job.

This section is not intended to restrict the right of employees to express their personal political views.

## **Procedure**

Employees should contact their supervisor if they are asked to utilize work time for political activities.



# Workplace Violence

This policy supersedes all previous policies and/or handbooks published by the City of Hardin.

## Purpose

The City's goal is to maintain a safe and secure environment for its citizens and employees. The safety and security of City employees is critical. Threats, threatening behavior, acts of violence, or any related conduct, which disrupts an employee's work performance or the City's ability to perform services, will not be tolerated. The City of Hardin recognizes that family violence, violence at work, and any other violence can affect an employee's work performance.

## Policy

### Definition

Violence is defined as the use of physical force, harassment or intimidation, or the abuse of power or authority.

Acts of violence include the use of weapons of any kind and any unwanted physical attack such as hitting, pushing or throwing objects.

Threats of violence include any expression (speech, conduct, writing, etc.) designed to frighten, terrorize, or otherwise place a person in fear of bodily injury.

Specific examples of prohibited conduct:

- Hitting or shoving an individual.
- Intentionally harming or threatening to harm an individual or his/her family, friends, associates, or his/her property through physical means. Threats to harm others if certain events do or do not transpire, as well as threats to immediately and unconditionally harm others.
- Intentionally destroying or threatening to destroy property owned, operated or controlled by the City of Hardin.
- Making harassing or threatening telephone calls; sending harassing or threatening letters or other forms of written or electronic communications.
- Harassing surveillance, also known as "stalking": the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.

- Carrying or having weapons on City property (except law enforcement personnel in the line of duty). A weapon is defined as any device that may be used to inflict bodily harm.

Examples include but are not limited to: guns, knives, clubs, bombs or any other items designed to inflict injury. (See Weapons policy.) The City of Hardin is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises during the investigation period and will be subject to corrective action that may include termination of employment.

## Procedure

The impact of violence, whether it occurs on or off the job, is to control a person by causing pain or fear of pain to the victim or his/her family, friends, associates, or his/her property through physical means. The City acknowledges that human relationships are subject to conflict and that some employees are exposed to violence by the nature of their jobs. The City intends to take positive steps to:

1. Minimize the potential for violence in and around the workplace.
2. Reduce the negative consequences for those employees who experience or encounter violence in their personal or work lives.
3. Foster a work environment of mutual respect and healthy resolution of conflicts.

Employees are prohibited from engaging in any act -- either on City premises or during the performance of work-related duties -- that threatens the safety, health, life or well-being of an employee and/or a customer. Such acts include, but are not limited to:

1. threatening, intimidating, coercing, harassing or assaulting an employee or customer
2. sexually harassing an employee or customer
3. carrying weapons on City property or possessing a weapon on City property (except law enforcement personnel in the line of duty)
4. allowing unauthorized persons access to non-public areas of City property without management permission
5. using, duplicating or possessing keys to City property without authorization
6. stealing, or attempting to steal, property of the City, an employee or a customer



Responsibilities and procedures promulgated in this policy are intended to ensure that:

- proactive measures are taken to foster an atmosphere of courtesy, dignity and respect among employees and between employees and citizens
- situations conducive to workplace violence are identified and reasonable steps taken to minimize risk to employees and citizens
- acts of violence involving employees are reported and investigated
- employees who experience violence in the workplace have avenues for resolution and support

### **Responsibilities**

All employees share in the responsibility to minimize the occurrence and effects of violence. The following responsibilities are minimum guidelines to establish accountability for preventing and dealing with workplace violence:

#### **Department Heads**

1. Ensure that the workplace provides for the physical security of employees to minimize the risk of serious injury or death.
2. Establish policies and procedures as necessary to minimize and resolve conflict between employees and customers.
3. Establish training requirements for employees designed to prevent and respond to incidents of workplace violence.
4. Participate, as appropriate, in resolution of employee grievances and investigations of reported threats or other incidents of workplace violence.

#### **Supervisors**

1. Monitor workplace security, customer relations and employee behavior to identify conditions that present significant risk of workplace violence.
2. Enforce City and Department policies and procedures intended to minimize and respond to incidents of workplace violence.
3. Ensure and encourage employee participation in City and Department workplace violence training programs.
4. Facilitate conflict resolution without violence in the workplace. Encourage employee participation in Employee Assistance Programs, as appropriate, to manage personal situations that may lead to violence.

## **All Employees**

1. Treat all employees, customers, vendors and all other persons with courtesy, dignity and respect at all times on City premises and during the performance of work related duties.
2. Report threats and acts of violence experienced or witnessed on City premises to the supervisor and/or to the Public Works Director or the Mayor. Report other violent conditions, as appropriate, that may affect the workplace, such as restraint orders and domestic threats.
3. Participate in City and Department workplace violence training.
4. Report conditions and behaviors conducive to workplace violence to the supervisor and/or the Public Works Director or Mayor.

## **The Mayor or his designee**

1. Ensure that training on this policy is available to all employees.
2. Assist department heads, as necessary, in providing training for employees designed to prevent and respond to incidents of workplace violence.
3. Investigate reports of assault, threats, harassment or other violence. Convene a Threat Assessment Team as appropriate.
4. Provide employee assistance to victims of violence.

## **Courtesy and Respect for Others**

All City employees and all citizens deserve to be treated with dignity and respect. Courteous and respectful treatment is the single best way to avoid incidents of violence in the workplace. (See Mutual Respect and Sexual Harassment policy)

## **Dealing with Tense or Violent Situations**

The primary objective in any potentially violent situation is to protect yourself from harm. Use de-escalation techniques when you can and withdraw if de-escalation doesn't work. Do not use force unless you are attacked by another individual and cannot escape. Following are examples of de-escalation techniques:

If you encounter extreme anger or rage:

- remain calm
- give the individual ample space
- ensure that you have an escape route
- try to keep a barrier between you and the individual
- maintain direct eye contact when speaking
- speak clearly and slowly



- don't talk with your hands
- don't argue or raise your voice
- get assistance, if necessary
- use a pre-arranged code word to warn others, if you have one

If you are confronted or attacked by an individual:

- give them any valuables they ask for

If you are attacked:

- make as much noise as possible
- strike out at vital areas such as eyes, throat, shins, groin
- escape as quickly as possible

If the individual has a gun or other weapon:

- try to remain calm
- don't try to be a hero
- do not act in a confrontational manner
- speak slowly and clearly
- take cover
- follow the perpetrator's instructions exactly, within reason

After a violent incident:

- call 911
- try not to touch anything
- notify your supervisor as soon as possible
- in the event of rape, do not wash or change clothes until questioned by police and examined by a medical professional

## **Reporting and Investigation**

Acts of violence by a co-worker must be reported to the supervisory chain, the Department Head, Public Works Director and/or the Mayor as soon as possible in order to ensure that incidents are investigated and appropriate action is taken. Any employee (including a supervisor or manager) must complete a "Report of Workplace Violence" if they are:

- threatened by another employee
- a victim of a violent act by another employee
- aware of work-related threats or violent acts by another employee

Each report will be promptly evaluated and investigated.

Report acts of violence by customers or citizens and situations or locations to your supervisor. The supervisor will investigate, involving law enforcement as appropriate, and take necessary action to minimize the potential for violence.

## **Confidentiality**

Information about an incident or threat will be disclosed on a need-to-know basis only, so that a fair and thorough investigation can be conducted and appropriate action can be taken. The City will take appropriate measures to ensure the safety and privacy of the individuals involved to the fullest extent of the law.

## **Discipline**

An employee who engages in prohibited conduct will be subject to appropriate disciplinary action as determined by the findings of the investigation (see Corrective Action policy), up to and including termination of employment. In addition, certain actions may cause the employee to be held legally liable under state or federal law.

## **Retaliation**

Episodes of workplace violence can be eliminated only if employees are willing and able to report threats, violent acts and other unsafe conditions. The City of Hardin encourages employees to come forward with such reports and promises to promptly investigate all complaints of retaliation and impose appropriate disciplinary action, up to and including termination.

## **Training and Awareness**

The City of Hardin will provide workplace violence training for all of its employees, including supervisors and managers. These sessions will explain the City's policy on workplace violence, as well as procedures for reporting and investigating threats, violent acts, and unsafe workplace conditions. In addition, employees will be informed of their responsibilities and of the measures they can take to protect themselves and their co-workers from episodes of workplace violence.

The City will make other training available to foster an environment of courtesy, dignity and respect for all persons. Examples of such training include diversity awareness, customer relations, conflict resolution, communication skills, stress management, mutual respect, and handling threats. Participation in Employee Assistance Programs is encouraged for employees who would benefit from individual support.



# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034  
406-665-9292 Phone 406-665-2719 Fax

## REPORT OF WORKPLACE VIOLENCE (Submit to Public Works Director)

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Department: \_\_\_\_\_ Supervisor: \_\_\_\_\_

### STATEMENT:

Name(s) of Witnesses:

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Description of Incident: (Describe in your own words the actions of all involved - attach additional pages if necessary)

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I understand that the Mayor or his designee will conduct an investigation of my report. A report of workplace violence, its investigation, the outcome of the investigation and any action taken relating to a specific employee is confidential.

Dissemination of confidential information shall be limited to persons with a need to know in order to conduct an investigation and take appropriate corrective action.

I hereby authorize dissemination of information regarding this report to other persons with a need to know.

I acknowledge that I have read and understand the above statements and certify that all information I have provided is true to the best of my knowledge.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Submitted to: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Revised 06/30/2017

# Absence Control

This policy supersedes all previous policies and/or handbooks published by the City of Hardin

## Purpose

This policy establishes guidelines to be used for monitoring and addressing employees' absenteeism from work.

## Policy

Regular attendance at work for all employees is a crucial component in the delivery of quality public services, whether one works directly with the public or not. While the expectation is that employees work all of the shifts that they are scheduled, perfect attendance is not always possible. The absence control plan is designed to deal with those inevitabilities. This policy deals with excessive "unscheduled absences" (such as repeatedly calling in sick), tardiness, and failures to report to work.

A progressive corrective action process is outlined for supervisors to monitor and address attendance problems. Some attendance problems are symptomatic of other problems, which may be eliminated or reduced by referral to the Employee Assistance Program, or other services available to employees. Supervisors are responsible for accurate and timely documentation and communication to employees.

The plan focuses on absences from work and not on the reasons for them, with some exceptions covered below.

Supervisors should share the plan with employees and ensure that they understand the expectations for attendance at work.

Supervisors should communicate with employees when expectations are not being met, including suggestions for improvement and consequences if improvement does not occur. (The supervisor should keep notes of this informal counseling and discussions.)

When formal corrective action occurs, supervisors must use a Corrective Action form to document the action. A copy is sent to the employee's personnel file.

## Exemptions from Absence Control

The following are not included as occurrences:

1. Absences due to workers' compensation injuries or illness
2. Absences qualifying under the Extended Medical Leave (XML) -- unless XML balance has been exhausted.



3. Approved funeral leave
4. Vacation time or other prescheduled and approved time off
5. Military leave of absence
6. Jury duty
7. Court subpoena
8. Approved personal leaves of absence
9. Approved scheduled Medical/Dental Appointments

## **Procedure**

Supervisors will record unscheduled absences by some means convenient for the supervisor. Supervisors will routinely review their records of their employees' unscheduled absences in order to determine if corrective action is to be implemented.

The following definition of an occurrence applies: A single occurrence is defined as either one specific day, part of a day, or a combination of successive days of absence. Absences resulting because of a medical condition will be addressed on a case by case basis. For example, reoccurrences of the flu or common cold are counted as separate occurrences.

### **Absence patterns**

Those exhibiting patterns of absence would more likely receive corrective action than if there were no patterns. Patterns also may be indicative of some other underlying problem, possibly warranting discussion or referral. An example of an absence pattern would be routine absences on Fridays, Mondays, or days after holidays.

### **"Playing the System"**

"Playing the system" to be regularly absent the maximum number of times allowed without receiving corrective action will increase the likelihood of corrective action in borderline cases.

### **Effect on work**

While all absenteeism affects work somewhat, the supervisor may lean toward corrective action in borderline cases where there is more significant impact on work performance.

If, after evaluating the above, the supervisor determines that an occurrence has occurred, the following actions shall be taken:

- 1<sup>st</sup> Occurrence Employee Discussion
- 2<sup>nd</sup> Occurrence Employee Discussion
- 3<sup>rd</sup> Occurrence Employee Discussion
- 4<sup>th</sup> Occurrence Employee Discussion
- 5<sup>th</sup> Occurrence Employee Discussion
- 6<sup>th</sup> Occurrence Oral Warning
- 7<sup>th</sup> Occurrence Written Warning

8<sup>th</sup> Occurrence One Day Suspension  
9<sup>th</sup> Occurrence Termination

Occurrences are counted within a twelve (12) month time period, July 1 to June 30.

### **Tardiness**

Tardiness normally begins immediately after the scheduled start of the shift, unless otherwise defined by the work unit. Tardiness for work, especially when chronic, can create many problems for the work unit including difficulty accomplishing the normal work functions, as well as creating potential morale problems. Therefore, tardiness requires special attention under this policy.

Supervisors have the ability to deal with tardiness of less than one hour separately. The standard is three incidences of tardiness (of less than one hour) per quarter triggering progressive corrective action for the first offense. This separate tardiness corrective action needs to be monitored manually if there is a problem, and the incidences need to be less than one hour to count as one of the three incidences triggering corrective action.

Supervisors need not wait for the quarter to end to issue corrective action for tardiness. Tardiness corrective action may occur any time an employee is tardy at least three times of less than one hour, in the same quarter. Also, an employee could receive two steps of tardiness corrective action in the same quarter if tardy six times in the same quarter.

### **Failure to Report to Work Without Notification**

It is imperative for the proper functioning of operations that employees give as much advance notice as possible when they will be unable to work all or part of a scheduled shift. Failure to report to work without notification, unless such failure can be reasonably explained, will result in a written warning for the first offense, a suspension for the second offense, and termination for the third offense within one year. Failure to report to work without notification for three consecutive shifts will result in immediate termination.

### **Misrepresentation**

Abuse of sick leave benefits by such misrepresentations as calling in "sick" without being ill, will be addressed through the Corrective Action policy, over and above the Absence Control guidelines.



# Annual Performance Reviews

This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.

## Purpose

The City of Hardin believes that performance reviews are important.

## Policy

Employees are to be evaluated annually.

Performance evaluations can also be done at other times during the year and used as a tool to improve or correct performance.

## Procedure

Each employee must be evaluated on an annual basis in the employee's current position, when the employee has a job change, and/or prior to a supervisor change.

# Corrective Action

This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.

## Purpose

This policy establishes a set of guidelines for the corrective action process to be followed when an employee has performance, attendance or behavior problems that interfere with work, customer service or operations of the City of Hardin.

## Policy

Corrective action should be used to correct inappropriate behavior or performance issues. Supervisors are responsible for accurate and timely documentation of inappropriate behaviors or

performance. Corrective action should be used consistently.

Supervisors should identify and inform employees of:

- What is expected behavior and the performance standards of their job
- When they are not meeting these expectations
- What must be done to correct the deficiencies identified and an improvement plan with a timeline for its accomplishment
- Consequences if improvement does not occur

The corrective action process is meant to assist employees in recognizing the seriousness of their behavior or performance deficiency and to encourage their commitment to improve. In many situations, informal counseling may be utilized to resolve issues prior to the formal corrective action process.

Informal counseling is used by management to remind employees of City and/or Department policies and practices. Supervisors can utilize informal counseling to explain the performance expectations of the job to the employee who is not meeting the performance standards or job requirements. Notes of an informal counseling session should be retained by the supervisor and may be referenced at a later time. Supervisors may choose to have the employee acknowledge the informal counseling session in writing by initialing the notes.

Supervisors must complete a Corrective Action Form after each formal step of the process. Employees will be asked to sign this form indicating that they have had an opportunity to review it. If an employee elects not to sign, then this should be noted on the form. Employees should be given a copy at the time of the discussion. The original Corrective Action Form is placed in the employee's personnel file. The employee may petition that discipline be removed from his/her file. This petition is submitted to the employee's immediate supervisor who then forwards the request through management channels to the Public Works Director or Mayor. The Public Works Director or Mayor will: review the request, review the individual's personnel file, and make a recommendation to the Mayor. The decision of the Mayor is final and binding.

In some cases, paid Administrative Leave, pending an investigation is appropriate. There may be situations where an employee may be terminated without progressing through the steps outlined in this policy.

Some steps can be repeated or omitted if the facts of the situation warrant it. The City Attorney should be contacted throughout the corrective action process as a resource and to ensure consistency throughout the City.

Suspensions in excess of one shift (8-hours, 10-hours, or 12-hours) must be approved by the Mayor (see Procedure). In all cases involving suspension of any time or discharge, the situation and relevant information shall be reviewed by the Mayor's Office prior to issuance.

Paid Administrative Leave may be used when an investigation is conducted and there is a need to remove the employee from the work place during the conduct of the investigation.



# Procedure

There are different levels of discipline that may be imposed for violations including informal counseling, oral warning, written warning, suspension, demotion, and termination. The level of discipline imposed is dependent on the seriousness of the offense or similar past offenses. Supervisors are encouraged to coordinate with the City Attorney prior to conducting informal counseling or an oral warning. For written warning, suspension, demotion, and termination, supervisors are required to coordinate with the City Attorney. For suspensions of more than one shift, Public Works Superintendent or Mayor approval is required.

## Termination

If the City determines that the appropriate disciplinary action is termination, Regular, Non-Probationary employees will receive a letter that documents the problem and summarizes the results of the investigation. The letter will detail the cause and date of discharge. The letter shall also include a copy of the Grievance Procedure Policies. The supervisor and/or Mayor will meet with the employee and provide him/her with the letter. All terminations must be approved by the Mayor.

## Grievance Procedure

**When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.**

A grievance is a dispute or a difference of interpretation of City and/or Departmental policies between an employee and the City. These disputes may involve economic issues or disciplinary actions that affect the employee's wages, fringe benefits or working conditions. All parties to the grievance should make every attempt to resolve problems at the lowest possible level.

1. The following procedure must be followed by all employees that work under the Public Works Superintendent:

**Step 1:** An employee, who has a grievance, shall discuss the grievance with his or her immediate supervisor at the occurrence or the employee's first reasonable knowledge of it. If the supervisor cannot correct the problem:

**Step 2:** Within ten (10) business days, of the grievance's occurrence, the employee must submit the grievance in writing to the Public Works Superintendent unless the Public Works Superintendent is the immediate supervisor. If the Public Works Superintendent is the immediate supervisor then the employee proceeds to Step 3. The Public Works Superintendent must reply, in writing, within twenty (20) business days. If the grievance is still unresolved:

**Step 3:** Within ten (10) business days of the response the employee must forward the written grievance, all written responses, and a request for further review to the Mayor. The employee must include their reasons for not accepting the resolution offered by the Public Works



Superintendent. The Mayor may conduct such interviews and investigation as the Mayor determines necessary. After the Mayor reviews the grievance and all of the supporting information, a written response will be submitted to the employee. The Mayor's reply will be final and binding.

2. The following procedure must be followed by all employees that do not work under the Public Works Superintendent:

**Step 1:** An employee, who has a grievance, shall discuss the grievance with his or her immediate supervisor at the occurrence or the employee's first reasonable knowledge of it. If the supervisor cannot correct the problem:

**Step 2:** Within ten (10) business days, of the grievance's occurrence, the employee must submit the grievance in writing to the Mayor unless the Mayor is the immediate supervisor. If the Mayor is the immediate supervisor then the employee proceeds to Step 3. The Mayor must reply, in writing, within twenty (20) business days. If the grievance is still unresolved:

**Step 3:** Within ten (10) business days, the employee must forward the written grievance, all written responses, and a request for further review to the President of City Council. The employee must include their reasons for not accepting the resolution offered by the Mayor. The President of City Council may conduct such interviews and investigation as the President of the City Council determines necessary. After the President of City Council reviews the grievance and all of the supporting information, a written response will be submitted to the employee. The President of City Council's reply will be final and binding.

Time limits may be extended by written mutual agreement of the parties at that step. Reasonable requests for time extensions shall not be denied.

Business days are defined as Monday through Friday, not including holidays, in regards to this section.

## **Pre-Suspension and Pre-Discharge (Due-Process) Procedure and Disciplinary Action**

An employee of the City who is facing suspension or possible discharge due to the seriousness of an infraction is afforded the opportunity to present information pertinent to his/her situation before disciplinary measures are taken. In addition, the employee will be informed in writing of the charges against him/her, of the possible disciplinary action that may be taken, and of the time, date and place at which the employee will be given an opportunity to respond to the charges. Following the meeting, the City will determine the appropriate disciplinary action to be taken and will promptly inform the employee, in writing, of that decision. See the detailed procedure near the end of this policy.



# **Due Process Hearing**

## **Hearing Procedures**

### **For All City of Hardin Employees**

**General:** This document outlines the procedural guidelines for the conduct of due process hearings. All departments within the City of Hardin for both union and nonunion employees will follow these procedures.

**Purpose:** The purpose of this hearing is to provide non-probationary employees a meaningful opportunity to be heard at a meaningful time, in all cases, where a suspension or termination may result.

#### **Procedure:**

##### **City:**

A Due Process Letter will be drafted in coordination with the supervisor and his/her department. The letter will include a detailed description of the charges against the employee, the possible disciplinary action that may be taken, and of the time, date and place at which the employee will be given an opportunity to respond to the charges.

The employee's immediate supervisor (the individual who does the employee's performance evaluation, approves his/her leave requests, initiates and delivers discipline, etc.) will schedule the due process hearing. The hearing will be scheduled at least seven business days from the date of the due process letter.

The Mayor will designate the person who will chair the hearing for the purpose of managing the proceedings. The employee's immediate supervisor, division head or department head will summarize the evidence of misconduct, ask the employee questions, and record the employee's explanations.

The Mayor may request that someone from the City Attorney's Office be present. This would most likely happen when the employee has indicated that he/she will have legal counsel present at the hearing. The immediate supervisor may also request that an "expert" be present. An example might be an auditor from Finance when the issue concerns the handling of City funds. These individuals will only provide guidance to the Chair and the immediate supervisor concerning issues raised during the hearing.

The Chair will tape record the hearing and will provide a copy of the tape to the employee if requested. Court reporters are not permitted to be present or to transcribe the hearing.

**Employee:**

The employee may: participate in the hearing process; may elect not to participate; or may elect to provide a written response to the allegations set out in the due process letter.

If the employee desires to participate in the process then he/she may either personally present their response to the allegations or the employee may elect to have legal counsel (non-union employee) or a union representative present at the hearing to present a response.

No witness will be allowed to testify, however, written witness statements, signed and dated by the witness, which support the employee, may be provided to the immediate supervisor for consideration.

If the employee elects not to participate in the hearing but does desire to provide a written response to the allegations, then he/she must hand deliver the written response to the Mayor or his designee no later than 5:00 PM on the last business day before the hearing is to be held.



406 North Cheyenne Avenue Hardin, MT 59034  
406-665-9293 Phone 406-665-2719 Fax

Name of Employee	Job Classification	Date of Discussion
------------------	--------------------	--------------------

## Work Unit

Date \_\_\_\_\_

**EMPLOYEE COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

(This is to certify that I have been given a copy. My signature does not imply agreement.)

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Public Works Director's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor's Signature

\_\_\_\_\_  
Date

Original: Employee's Personnel File  
Copy: Employee  
Supervisor  
Union (if applicable)

Revised 06/30/17



# Demotions

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.**

## Purpose

The City of Hardin believes that demotions are based on demonstrated abilities, experience, skills, personal capabilities, performance evaluations, and the needs of the City.

## Policy

When an employee is voluntarily demoted, the new salary of the employee will be the rate closest to their present salary, but no higher than the maximum of the new salary range.

When an employee is involuntarily demoted the Public Works Director or Mayor will determine the rate of pay.

However, the rate of pay will not be higher than the maximum of the new salary range. The employee's evaluation date will change to the date the new position becomes effective.

## Procedure

The employee's chain of command evaluates his/her performance.

# Probationary Period

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.**

## Purpose

The City of Hardin believes that all employees should have time to adjust to new surroundings, assume an increasing workload and prove that they are the proper person for the position.

## Policy

It is the policy of the City of Hardin that all employees are subject to a one year probationary period.

## **Procedure**

Employees begin the one-year probationary period on the first day of work. An employee may be dismissed at any time during the probationary period without cause. Vacation and sick leave are accrued during the initial employment period. Sick leave may be used after 90 days of continuous employment and vacation leave may be used after six months of continuous employment.

Employees terminating from the City prior to three (3) months or six (6) months will not receive sick or vacation pay out, respectively.

## **Promotions and Transfers**

This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.

## **Purpose**

The City of Hardin believes that transfers and promotions are based on demonstrated abilities, experience, skills, personal capabilities, performance evaluations, disciplinary record, and the needs of the City.

## **Policy**

Employees in a new position may not apply for posted vacancies outside their present division for one year. However, this provision may be waived by the Department Head if he/she desires to do so. Finance Officer is to be notified of any waivers.

## **Procedure**

The rate of pay will be determined by the step and grade of the Pay Matrix.

The salary paid will never be greater than the maximum of the salary range. In addition, if this rate of pay places the newly appointed or promoted non-bargaining/management employee at a rate of pay greater than that of an individual in the same position in the division, then the lower paid individual may be raised to the same rate of pay if the individual's past performance justifies it and budgetary resources are available. The approval of the Mayor and/or Public Works Director is required.

When an employee transfers between positions in the same pay range the rate of pay will remain unchanged.

The employee's evaluation date will change to the date the new position becomes effective.



# Recruitment and Selection

This policy supersedes all previous policies and/or handbooks published by the City of Hardin. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

## Purpose

This policy provides guidance for the recruitment and selection of applicants for City of Hardin vacant positions.

## Policy

It is the policy of the City of Hardin to recruit and select persons for appointment and employment, and to train, advance, promote, and transfer such persons on the basis of individual capability, potential, or contribution to the programs and goals of the City.

Each department head, supervisor and employee of the City of Hardin is responsible for conducting appointments and employment activities in support of and in compliance with this policy.

The City of Hardin respects, supports, and observes the laws, directives and regulations of the state and federal government that prohibit discrimination. A climate of equal opportunity that nurtures and supports the fullest contributions of each employee is essential “to provide our community with an excellent quality of life by delivering cost effective public service.” Creating and sustaining this climate is the responsibility of all who work for the City. Leadership is expected to reinforce these principles.

Finance Officer is responsible for assembling employment and enrollment data and implementing new diversity efforts. Mayor and/or Public Works Director, in coordination with others, may investigate individual complaints and concerns. This policy is related to all phases of employment including but not limited to: recruitment, selection, testing, employment, placement, layoff, promotion, demotion, transfers, discipline, termination, pay rates, and training. This policy does not preclude discrimination based on bona fide occupational qualifications or other recognized exceptions under the law.

The City of Hardin also believes in making reasonable accommodations as needed to enable qualified disabled employees and applicants to satisfactorily perform the essential functions of City jobs, except where the accommodations would impose an undue hardship on the City. All applicants for employment with the City of Hardin will be recruited from the reasonable labor market and evaluated on each person’s individual qualifications and abilities. All City of Hardin employees shall be afforded equal employment opportunities during their terms of employment and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure rights to equal employment opportunities or testifying on behalf of someone else doing so.



All supervisory personnel are responsible for, and shall be committed to, achieving and promoting equal employment opportunities with the City of Hardin. This policy also relates to the use of all facilities and participation in all City sponsored employee activities. It is the responsibility of each supervisor of the City to insure affirmative implementation of this policy so as to avoid any discrimination in employment practices. In addition, each employee has a responsibility not to discriminate and to report instances of discrimination by others.

## Procedure

**Vacancy Announcement Requirements:** The recruitment process for any vacant position will not begin until a current position (job) description, which accurately describes the essential functions of the job and any job specific addendum(s), is on file with City Clerk. Assistance in identifying essential job functions is available from Mayor and/or Public Works Director. Vacant positions that are in the reclassification process will not be advertised until that process is finished. Mayor and/or Public Works Director will notify the hiring supervisor if a position is not current.

**Vacancy Announcement Request:** The recruitment and selection process begins when a completed Personnel Requisition form is submitted to Mayor and/or Public Works Director. A copy of the form may be downloaded. The hiring supervisor must indicate if he/she desires anything submitted with the City Application (i.e., cover letter, resume, etc.). Accompanying the Vacancy Announcement Request will be, if applicable, the items identified under Selection Devices.

**Vacancy Announcement Development:** The vacancy announcement will contain a description of the essential functions and the minimum standards for education, experience, and any physical requirements that are necessary. The hiring supervisor shall develop these standards with assistance from Mayor and/or Public Works Director.

**Vacancy Announcements:** All internal and external vacancy announcements will be printed. The vacancy announcement shall contain the following information:

1. Job Title, the title used in the position (job) description
2. Position Number
3. A summary description of the job's essential functions (taken from the position (job) description)
4. A description of the qualifications and competencies (knowledge, skills, and abilities) required to perform the essential functions including educational requirements and any physical and mental requirements (taken from the position (job) description)
5. Entry level salary
6. Application closing date



7. A list of all required application materials and forms
8. Type of position: full-time, part-time, temporary, short term, or seasonal
9. Hours of work, either days, evenings, nights, or varies
10. A statement requiring pre-employment drug screening and/or background check.
11. A statement if the position is subject to Collective Bargaining Agreement.

**Supplemental Questions:** Supplemental questions provide applicants a written avenue for describing specific knowledge, skills, and abilities (or competencies) that relate to the job being applied for. These supplemental questions may be used as an additional screening tool and/or a part of the hiring decision. If supplemental questions are used the following shall be complied with:

1. Questions must relate to the essential functions that are listed in the position (job) description and that are included in the minimum qualifications in the vacancy announcement.
2. If writing ability, in addition to content, is to be evaluated in the response, that must be noted in the documentation provided to the applicant.
3. Reasonable accommodations must be provided at the request of the applicant.

**Vacancy Posting Requirements/Options:** The Vacancy Announcement will be posted at the board at the entrance to City Hall and on the City's website.

1. Internal to the City: The hiring supervisor may wish to seek applicants from within the City. These vacancy postings will be posted for a minimum of five (5) calendar days.
2. External: City Clerk will post a short ad in the Original Briefs, the Big Horn County News, the City of Hardin Internet Site or such other places as determined by the Public Works Director, Mayor and/or City Council. Normally, the ad in the newspaper should run for two weeks and the announcement should be on the internet site for two weeks.

Positions that are difficult to fill or where there are recurring vacancies may be openly advertised continuously. Identical positions, which come open in the same department within six (6) months of the initial posting closing date, may be filled with the same applicant list/pool.

Positions filled on a temporary basis for more than ninety (90) days are to be advertised in accordance with this section. Positions to be filled for less than ninety (90) days may or may not comply with this section.

**Screening and Selection:** City Clerk is responsible for:

1. Receiving application materials from applicants
2. Providing a list (Candidate Tracking Form) of all applicants which meet minimum qualifications along with each applicant's application material(s) to the hiring supervisor



Hiring supervisor and/or selection panel is responsible for:

1. Reviewing the material provided by the applicants and City Clerk
2. Interviewing all applicants in which meet minimum requirements, or narrowing the number of applicants to be interviewed by establishing job related/requirements rationale for each person selected for an interview as well as those not selected

**Interview Setup:** The hiring supervisor is responsible for contacting applicants for interviews. If applicants are contacted by phone, they need to be informed of the date, time, and location of the interview. If the applicant cannot be contacted by phone, a letter should be sent and the aforementioned information shall be provided. Applicants who do not show up at the appointed time or applicants who withdraw from the interview process may be removed from the applicant pool. Mayor and/or Public Works Director must be contacted if the hiring supervisor wishes to exclude an applicant for any other reason.

**Internal Interview Applicants:** Internal applicants, for City vacancies, will be granted paid time to attend the interview. Once the interview is completed, the employee is expected to return to their work assignment and complete their respective shift.

**Selection Devices:** The City recognizes many selection devices as long as they:

1. Are job related
2. Do not create an undue barrier to employment or advancement for protected classes
3. Are in compliance with existing policies, bargaining contracts, and relevant state and federal law
4. Are pre-approved by Mayor and/or Public Works Director

Selection devices must be defensible and must allow for the selection of the best candidate for the vacant position. Selection criteria must be applied equally to all candidates. Possible selection devices include any combination of the following items:

1. Structured questions and suggested answers
2. Behavioral questions and suggested answers
3. Applicable job-related performance tests
4. Relevant education and experience
5. Supplemental questions
6. Written interview questions



**Interviews:** Interviews are a reliable method of determining more about the capabilities of minimally qualified candidates. Although interviews are important, the other selection criteria, such as those listed previously, shall be considered. The interview committee should consist of at least three people but no more than five. All members of the selection committee should be familiar with the position being filled and the department.

It is suggested that the applicant have access to a copy of the interview questions to refer to during the interview. After the interview is completed with each applicant, the interview questions must be obtained from the applicant.

Follow-up questions, as long as they are job-related, may be asked of the applicant. These follow-up questions may be based upon an answer to a previously asked question or based upon the application material that the applicant submitted. All follow-up questions must be captured for retention in the recruitment file.

**Testing:** A hiring supervisor may give and use the results of a job related test provided that the results are not intended to or used to discriminate because of race, color, religion, sex, national origin, or disability. Structured tests are useful for assessing job-related qualifications in many positions. Technical skills can often be more readily demonstrated through structured tests. If a test is used then, the following must be in place:

1. Identical written instructions must be given to each applicant
2. An identical amount of time must be given to each applicant
3. Testing facilities and equipment must be the same for each Applicant
4. A minimum shall be established prior to testing
5. Tests, like other materials, must have suggested answers or goals that must be retained with other materials
6. Upon request from a disabled applicant, reasonable accommodation for testing shall be made

### **Selecting the Top Applicant:**

**Determine the Top Applicant(s):** The hiring supervisor and the selection committee must review all relevant information, including the interview results, any test results, and any other material to determine the top applicant(s).

**Veterans' Public Employment Preference:** Whenever the hiring supervisor uses a scored procedure, a veteran who is an initial applicant for hiring with the City, must have added to his/her score the following percentage points of the total possible points that may be granted in the scored procedure:

5 percentage points for being a veteran; and

10 percentage points if the veteran is disabled or an eligible relative. In order for a veteran, disabled veteran, or eligible relative to be eligible for the preference, the applicant must be:



a United States citizen; and meet the minimum qualifications for the position applied for. If no applicant meets the minimum qualifications and the hiring supervisor fills a training position, then veterans' preference must be applied.

A disabled veteran who receives 10 percentage points for being disabled does not receive an additional 5 points for just being a veteran. The maximum percentage points that can be earned by a veteran are 10.

If the hiring supervisor does not use a scored process, the hiring supervisor must give preference to a disabled veteran, eligible relative, or veteran, in that order, over any non-preferred applicant holding substantially equal qualifications.

**Reference Check(s):** Former employers are the appropriate contacts for references. Hiring supervisors are responsible for conducting reference checks. All reference check questions must be job related. The City of Hardin Reference Check Form will be used for all reference checks conducted on applicants and will be included in the recruitment file for the position. Caution should be used when utilizing personal references. Personal references would be more appropriate for those applicants who have limited work experience. Unusual reference information shall be referred to Mayor and/or Public Works Director.

**Background Checks:** The City of Hardin will check the background of applicants for certain positions in the following ways:

1. **Criminal Background Check:** The City has the right and obligation to thoroughly investigate conviction records. Any that relate to the duties of the position may be used to disqualify an applicant. The final decision on disqualifications for convictions rests with the hiring supervisor and Mayor and/or Public Works Director. The criminal records background check release needed to conduct the background check is available from City Clerk.
2. **Professional License or Certification:** If a position requires the incumbent to have a valid license or professional certification, then a copy of such license or certification shall be requested from the applicant by the hiring supervisor to be provided at the time of the interview.
3. **Financial Background Check:** If a position requires the incumbent to deal with finances, bookkeeping, and/or cash, then the City may request a consumer report.

**Hiring Preferences:** Prior to requesting approval to hire the selected applicant, the hiring supervisor shall review the various employment preferences, which place additional obligations on the City. Assistance is available from Finance Officer. The preferences cited are those that have not yet been mentioned. Additional information about these preferences may be requested from Mayor and/or Public Works Director.

1. **Public Employee (Police & Fire) Disability Retirement:** A recipient whose disability retirement allowance is canceled by the Public Employees' Retirement Board, as provided in 19-9- 904, and 19-13-804, MCA, must be reinstated to the position held by the member immediately before retirement or to a position in a comparable pay and benefit category with duties within the member's capacity, whichever opens first.

**Veterans Employment Preference:** See the aforementioned guidelines for Veterans' Public



Employment Preference.

**Approval To Hire:** Upon the completion of the selection process, the checking of references, the background check (if applicable) and the review of the various employment preferences, the hiring supervisor/selection committee must submit the Certification for Hiring form to Mayor and/or Public Works Director. The committee shall explain why the selected applicant is the best candidate. Mayor and/or Public Works Director will notify the hiring supervisor when the materials are received and the hiring decision is approved. **Note: An offer of employment cannot be made until Mayor and/or Public Works Director reviews the documentation for legal compliance.**

**Conditional Offer of Employment:** The Americans with Disabilities Act prohibits pre-employment inquiries about a disability to assure that qualified candidates are not screened out because of a disability. After making a conditional offer of employment additional information about medical or physical condition may be gathered. For these reasons, medical exams or testing can only be done after a conditional offer of employment is made.

**Job Offer:** A person selected for a position should receive a written confirmation from the hiring supervisor. The confirmation will be placed in the personnel file and should include the minimum information:

1. Start date
2. Initial work schedule and where to report to work
3. Classification, grade and base salary
4. Probationary period information
5. The duration and FT of the position
6. Name of the immediate supervisor
7. A signature block for the employee to formally accept the job offer
8. That a valid driver's license or valid picture ID and original social security card will be required for processing.
9. Statement that the letter is not a contract and that conditions of employment are subject to change based upon the results of the mandatory drug/alcohol test.
10. Telephone number to call in order to make an appointment for a drug/alcohol test.

A copy of the job offer letter and the signed original must be forwarded to Mayor and/or Public Works Director. A form letter is available from the City Clerk.

**Unsuccessful Applicant Notification Letters:** Both internal and external unsuccessful

applicants will be notified in writing by the hiring supervisor. Additionally, internal applicants will receive a phone call from the hiring supervisor prior to the written notification. A form letter is available from the City Clerk.

**Selection Documentation:** The following materials shall be included among the documents to be saved, by Finance Officer, for each selection in accordance with the City Records Retention Policy. Files will, at a minimum, include:

1. The position description
2. A copy of the vacancy announcement
3. A copy of advertisements
4. A list of all recruitment sources
5. Job posting sources
6. All applications, supplements, questionnaires and other application Materials
7. A copy of all selection devices and any criteria
8. A copy of the screening information
9. Correspondence with applicants
10. A copy of the hire letter
11. The Certification for Hiring form

**Confidentiality and Access to Materials:** All application and selection materials shall be confidential, unless otherwise stated on the vacancy announcement, and may not be released to any person not involved in administering the hiring process. Materials may be released upon the receipt of a properly executed administrative or judicial order. Hiring supervisors or Mayor and/or Public Works Director may discuss, upon request from an applicant, the selection process and scores (if applicable) related to that individual. Information about other applicants is confidential and may not be released.



# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9292 Phone 406-665-2719 Fax

## Personnel Requisition

Date \_\_\_\_\_ Department \_\_\_\_\_

Position to be filled \_\_\_\_\_

Position Type: ☐ Full-Time ☐ Part-Time  
☐ Regular ☐ Temporary ☐ Seasonal ☐ Short Term

Grade: \_\_\_\_\_ Hours of Work: \_\_\_\_\_ Days of Rest: \_\_\_\_\_

Advertisement Means (circle one): Internal External

Replacement for: \_\_\_\_\_

Payroll Distribution (number & %): \_\_\_\_\_

(Note: %'s must equal 100%)

Specific Qualifications/Requirements Not Indicated in Position Description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Budgeted Position (circle one): Yes No If no, please explain:

\_\_\_\_\_

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Date

Staff Review: \_\_\_\_\_

Approved / Disapproved

Mayor: \_\_\_\_\_

Approved / Disapproved

Fiscal Review:

Finance Officer: \_\_\_\_\_ Date \_\_\_\_\_

FOR Finance Officer USE ONLY:

Position filled by \_\_\_\_\_ Start Date: \_\_\_\_\_

# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9292 Phone 406-665-2719 Fax

## Certification For Hiring

Job Title: \_\_\_\_\_

Location: \_\_\_\_\_

Position Type:

☐ Full-Time

☐ Part-Time

☐ Regular

☐ Temporary

☐ Seasonal

☐ Short Term

\_\_\_\_\_ Has been selected for the above position.  
Name of Applicant

The starting date is: \_\_\_\_\_

Hiring Supervisor: \_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

Supporting Rationale For Selection:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recruitment/Selection approved by Mayor:

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9292 Phone 406-665-2719 Fax

## Authorization for Release of Information

To Whom It May Concern:

I respectfully request and authorize you to furnish the City of Hardin, with any and all information that you may have concerning me, my employment (work), education records, my reputation, my financial, and credit status.

Please include all information of a confidential or privileged nature, and provide photocopies of same, if possible and if requested. Your cooperation in this reply will be used to assist the City of Hardin, in determining my qualifications and fitness for the position, for which I have applied.

Legal Name of Applicant: \_\_\_\_\_

Aliases or other names: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Any information you provide in response to a request for this information will be used solely for the purposes of permitting the City of Hardin, to make a fully informed hiring decision. It will not be distributed to or shared with any other individual or entity, not even myself as the applicant. I hereby release you, your organization, and others from any liability or damage, which may result to me from furnishing the information requested.

Signed and dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

Phone Number: \_\_\_\_\_ Alternate Phone Number: \_\_\_\_\_

# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9293 Phone 406-665-2719 Fax

## Reference Check Form\*

This form is to be completed for the top candidate(s). Please use a new form for each reference. This completed form must be forwarded to the Mayor and/or Public Works Director with the other application/selection materials.

### INFORMAL REFERENCES CANNOT BE USED AS A BASIS FOR HIRING DECISIONS.

Reference Checker Name: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Position Title: \_\_\_\_\_

Reference Name: \_\_\_\_\_

Professional Reference (check one): \_\_\_\_\_ Current Employer \_\_\_\_\_ Former Employer

Employment Dates: \_\_\_\_\_ Reason for Leaving: \_\_\_\_\_

1. Were you the immediate supervisor?

\_\_\_\_\_

*If so, how long have (did) you supervise the applicant?*

\_\_\_\_\_

2. (Read the applicant's statement of duties on application) Is this an accurate description of the applicant's duties? If no, Please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. What is your assessment of the applicant's ability to plan and organize?

\_\_\_\_\_  
\_\_\_\_\_

4. Describe the applicant's ability to work with others.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. What would you identify as the applicant's strongest work-related asset?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**6. What would you identify as the applicant's strongest work related deficit?**

---

---

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**7. Describe their ability to take constructive feedback.**

---

8. How would you rate the applicant's attendance? \_\_\_\_ Good \_\_\_\_ Average \_\_\_\_ Poor  
Please explain:

---

**9. Overall assessment of applicant.**

---

---

---

10. Would you re-hire the applicant? \_\_\_\_ Yes \_\_\_\_ No If no, please explain:

---

---

---

**11. Other questions** (*These must be recorded here and must be job related*):

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

**\*If you need more room for further explanation, please add additional sheets.**

# Resignation

This policy supersedes all previous policies and/or handbooks published by the City of Hardin. When there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the City, the CBA shall take precedence.

## Purpose

The City of Hardin believes that an advance notice regarding resignation and an exit interview are important and courteous actions.

## Policy

Employees who choose to resign must write a letter of resignation. The letter must be addressed and given to the employee's immediate supervisor at least fourteen (14) calendar days in advance of the employee's projected last day.

Employees who are voluntarily resigning from the CITY are requested to give a written notice with a minimum of two weeks. Employees will be provided their final paycheck within 15 calendar days or the next scheduled pay period, whichever is less. Any outstanding amounts owed to CITY will be deducted from the employee's final paycheck.

## Procedure

Prior to leaving, Public Works Director and/or Mayor will conduct an exit interview. Employees must return all City property (keys, uniforms, etc.) to their immediate supervisor prior to being issued their final check from the Finance Officer. The immediate supervisor will notify the finance office when all City property has been returned.

## Authority

In exercising any authority pursuant to this personnel policy manual the Public Works Director shall forward to the Mayor all personnel matters that relate to hiring and firing any employee. The manual does not confer unto the Public Works Director any authority that is contrary to Montana Statutes. The Mayor is the personnel authority for the City of Hardin.



# Reduction in Force

The Mayor has the authority to determine if City workload, funding or other business decisions are such that terminations (via layoff or reductions-in-force [RIF]) are required. Whenever possible, employees will be provided at least two (2) weeks advance notification before the layoff or RIF. Regular employees will not be terminated if temporary or short-term workers are employed in the same work classification. The benefit providers (i.e. health insurance, retirement) will work in conjunction with the Finance Officer to ensure relevant benefits information is forwarded to the employee at the last known address. Employees must keep the City informed of the address and telephone number where they can be contacted in the event of a recall. If the City is unable to contact an employee within seven days of the recall, the employee will be eliminated from the recall list and the City will have no further obligation to recall that employee. The City will have no obligation to recall the employee if they have been on a continual layoff for a period of one (1) year.





## **Section 4**

### **Drug and Alcohol Testing**

# **Drugs and Alcohol**

**This policy supersedes all previous policies and/or handbooks published by the City of Hardin.**

#### **STATEMENT OF PROCEDURES AND POLICY REGARDING ALCOHOL AND CONTROLLED SUBSTANCE USE AND TESTING STATEMENT OF PROCEDURES AND POLICY REGARDING ALCOHOL AND CONTROLLED SUBSTANCE USE AND TESTING**

The employees of the City of Hardin (the “City”) are our most valuable resource. Many of our employees operate in a hazardous work environment and in positions involving matters of public safety, security, or fiduciary relationships. Therefore, the health and safety of our employees and the general public is of serious concern.

The adverse impact of substance abuse by employees has been recognized by the Montana Legislature. During the 1997 Legislative Session, the Montana Legislature revised the statutes relating to drug and alcohol testing of employees by enacting “The Workforce Drug and Alcohol Testing Act.” We will comply with The Workforce Drug and Alcohol Testing Act and are committed to maintaining an alcohol- and drug-free workplace. All employees are advised that remaining alcohol and drug-free while on the job are conditions of employment with City.

It is our policy to:

1. ensure employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
2. prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances at the work place or during work hours;
3. prohibit the possession or use of alcohol at the work place or during work hours; and
4. encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

This Policy is intended to inform all employees of their rights and obligations concerning City's alcohol and controlled substance testing program as well as to alert employees to the consequences of violating these policies. Neither this policy nor any of its terms are intended to create a contract of employment, or to contain the terms of any contract of employment.



City retains the sole right to change, amend, or modify the terms of this Policy in accordance with the provisions of the Workforce Drug and Alcohol Testing Act.

## DEFINITIONS

When interpreting or implementing the procedures contained in this Policy, the following definitions apply:

**“Alcohol”** means an intoxicating agent in alcoholic beverages, ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

**“Alcohol Concentration”** 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.

**“Alcohol Use”** means the consumption of any beverage, mixture, or preparation, including medications, containing alcohol.

**“Breath Alcohol Technician”** means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device.

**“Confirmation Test in alcohol testing”** means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

**“Confirmation Test in controlled substances testing”** means a second test to identify the presence of a specific drug or metabolite.

**“Controlled Substance”** means a dangerous drug as defined in 49 C.F.R., Part 40, (except a drug used pursuant to a valid prescription or as authorized by law) and includes (1) marijuana, (2) cocaine, (3) opiates, (4) phencyclidine (PCP), and (5) amphetamines, including methamphetamines. In this policy, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning.

**“Evidential Breath Testing Device”** means a device used for alcohol breath testing that has been approved by the National Highway Traffic Safety Administration.

**“Medical Review Officer”** means a licensed physician trained in the field of substance abuse.

**“Program Administrator”** means the City Finance Officer.

**“Sample”** means a urine specimen to determine the presence of a controlled substance or a breath alcohol test to determine the presence of alcohol.

**“Screening Test” or “Initial Test” in alcohol testing** means a procedure to determine if an employee has a prohibited concentration of alcohol in his or her system.

**“Screening Test” or “Initial Test” in controlled substances testing** means a screen test to eliminate "negative" urine specimens from further consideration.



**“Substance Abuse Professional”** means a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol- and controlled substances-related disorders.

## **PURPOSE OF POLICY**

The purpose of this Policy is to ensure an employee's fitness for duty and to protect our employees, products, and the public from the risks posed by the use of alcohol and controlled substances while employees perform assigned job duties.

The Workplace Drug and Alcohol Testing Act mandates that before an employer may test employees for the presence of alcohol or controlled substances, the employer must first adopt a written policy, and have the policy available for review by all employees for sixty (60) days prior to the implementation of the policy. Therefore, this Drug and Alcohol Policy will be available for review by all employees no later than January 23, 2012, and will be implemented on March 26, 2012. The policies and procedures contained in this Policy will comply with and conform to 49 C.F.R., Part 40, as adopted by the U.S. Department of Transportation, which sets forth standards for the collection and testing of urine and breath.

City will pay all costs associated with the testing procedures, except as provided in the “Notification of Results and Requests for Additional Tests,” section of this Policy. All employees will be compensated at the employee’s regular rate, including benefits, for the time attributable to the testing program.

## **APPLICABILITY OF POLICY**

The City prohibits employees from using or being under the influence of alcohol or drugs during working hours, while conducting any City business, while on City property or while driving City vehicles. This Policy requiring certain drug and alcohol testing of certain employees will apply to all employees engaged in the performance of work, supervision, or management in a hazardous work environment, all employees holding positions involving matters of public safety, security, or fiduciary relationships, and all employees operating City vehicles. Therefore, all City employees will be subject to testing.

This Policy does not apply to Elected Officials or any independent contractors of the City.

## **PROHIBITED CONDUCT**

### **A. Manufacture, Trafficking, Possession and Use**

Any employee engaging in the manufacture, distribution, dispensing, possession, or in the use of a controlled substance or alcohol at any work site, with the exception of a substance administered by or under the direction of a physician, will be subject to disciplinary action up to and including immediate termination. Where criminal activity is suspected, law enforcement authorities will be notified. A person who knowingly manufactures, distributes, dispenses, possesses, uses controlled substances or who possesses controlled substances with an intent to manufacture, distribute, dispense, or use the



same may face both state and federal criminal sanctions. Under state law, criminal actions of this nature may result in both misdemeanor and felony convictions with criminal sanctions ranging from imprisonment up to 20 years and fines up to \$50,000. Under federal law, criminal actions of this nature may result in both misdemeanor and felony convictions with criminal sanctions ranging from imprisonment up to 15 years (or longer if this is not your first conviction) and fines up to \$125,000 (or greater if this is not your first conviction).

"Work site" means any commercial motor vehicle, office, building, yard, or other location at which the employee is to perform work. "Possess" means to have either in or on the employee's person, personal effects, commercial motor vehicle, or areas substantially entrusted to control of the employee. Possession does not include possession of a substance which is manifested and transported as part of a shipment.

#### B. Use and Possession of Alcohol

The use or possession of beverages, substances, or medications containing alcohol, such that alcohol becomes present in the body while on the job, is prohibited. An employee who reports to work or who works when alcohol is present in his/her body at concentrations greater than 0.04 or who possesses or uses alcohol while on the job, will be subject to termination. No employee shall use alcohol while performing safety-sensitive functions; within four hours prior to reporting for duty to perform a safety-sensitive function; during the hours that they are on-call to perform a safety-sensitive function; or during eight hours following an accident, or until he/she undergoes a post-accident test. No employee may possess or use alcohol while on duty.

An employee found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not be permitted to work for at least 24 hours.

Employees refusing to submit to required testing will be subject to termination.

#### C. Use and Possession of Controlled Substances

The use or possession of controlled substances while on the job is prohibited. An employee who reports to work or who works when controlled substances are present in his/her body or who possesses or uses controlled substances while on the job, will be subject to termination. Detection levels requiring a determination of a positive result shall be conducted in accordance with the regulations found in 49 C.F.R., Part 40.29.

Employees testing positive for controlled substances or who refuse to submit to a required test will be subject to termination.

#### D. Use and Possession of Prescription Medications

Medically prescribed drugs can impair an employee's job performance and create unsafe conditions. The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel before reporting to work.



A legally-prescribed drug or medication means that an employee has a prescription from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, name of the substance, dosage, and the period of authorization. The prescription must be filled at a state licensed pharmacy. The misuse or abuse of legal drugs while on the job is prohibited. Any employee misusing or abusing legally-prescribed drugs or medications will be subject to termination.

## **COMPLIANCE**

All eligible employees will be subject to urine drug testing and/or breath alcohol testing. Employees who refuse to comply with a request for testing, who provide false information, or who adulterate or substitute samples shall be removed immediately from duty, and will be subject to disciplinary action, up to and including termination. Examples of an employee's refusal to submit to the required test includes, but is not limited to, (1) a failure to provide an adequate urine specimen or breath sample without a valid medical explanation for the failure, (2) verbal declaration of refusal, (3) obstructive behavior resulting in an inability to conduct the test, or (4) physical absence at the scheduled testing time.

## **CONFIDENTIALITY**

City will protect individual dignity, privacy, and confidentiality throughout the testing process. All information, interviews, reports, statements, memoranda, and test results are confidential communications that may not be disclosed to anyone except (1) the tested employee, (2) the designated representative of City, or (3) in connection with any legal or administrative claim arising out of the implementation by City of the Workforce Drug and Alcohol Testing Act or in response to injuries relating to a workplace accident involving death, physical injury, or property damage in excess of \$1500, when there is reason to believe that the tested employee may have caused or contributed to the accident. Information obtained through testing that is unrelated to the use of a controlled substance or alcohol shall be held strictly confidential by the medical review officer and shall not be released to City.

## **TESTING PROCEDURES**

Testing of eligible employees will be conducted in such a manner to assure a high degree of accuracy and reliability and using only techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services ("DHHS"). All tests will be conducted pursuant to the procedures set forth in 49 C.F.R., Part 40, copies of which have been provided to all employees with this Policy.

### **A. Urine Testing for Controlled Substances**

Urine Testing will be the method used to detect the presence of marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each urine specimen. Collection of urine shall be conducted pursuant to the procedures set forth in 49 C.F.R., Part 40.25, as highlighted on Forms E and G, attached to this Policy.

The employee or applicant shall provide at least forty-five (45) ml of urine. Thirty (30) ml of urine shall then be poured into one specimen bottle, to be used as the primary specimen. The remaining fifteen (15) ml of urine shall be poured into a second specimen bottle to be used as the split specimen.



Both bottles shall be shipped in a single container, together with a chain of custody form, to the laboratory. A confirmatory gas Chromatography/Mass Spectrometry (GC/ms) test will be performed on all specimens testing positive for the presence of any controlled substance. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 C.F.R. Part 40. Urine collection and transportation shall be conducted pursuant to those procedures set forth in 49 C.F.R., Part 40, attached to this Policy and incorporated herein by reference.

#### B. Breath Testing for Alcohol Concentration

The presence of alcohol in the body will be conducted utilizing a National Highway Traffic Safety Administration ("NHTSA") approved evidential breath testing device ("EBT Device") administered by a certified breath alcohol technician ("BAT"). The BAT shall follow the procedures set forth in 49 C.F.R., Part 40, as highlighted on Forms F and G, attached to this Policy. The employee or applicant shall follow the instructions given by the BAT. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. All alcohol concentration tests shall be conducted pursuant to those procedures set forth in 49 C.F.R., Part 40, attached to this Policy and incorporated herein by reference.

### **TYPES OF TESTING**

#### A. Reasonable Suspicion Testing

Employees may be required to submit to a test for controlled substances and/or alcohol if City has reason to suspect the employee's faculties are impaired on the job as a result of the use of a controlled substance or alcohol consumption. Reasonable suspicion determinations will be made by a supervisor who is trained, pursuant to 49 C.F.R., Part 382.603, to detect the signs and symptoms of drug and alcohol use and who reasonably concludes an employee may be adversely affected or impaired in his or her work performance due to prohibited substance or alcohol abuse or misuse.

Alcohol testing for reasonable suspicion should be done within two (2) hours of the observation whenever possible. Tests that cannot be done within eight (8) hours of the observation shall not be done. The supervisor who determines reasonable suspicion testing should be done, may not conduct or be present during the tests. Drug testing for reasonable suspicion must be conducted within thirty-two (32) hours of the observation, or the test shall not be conducted.

#### B. Post-Accident Testing

Employees will be required to undergo urine and/or breath testing if City has reason to believe the employee's act or failure to act is a direct or proximate cause of a work related accident that has caused a death or any personal injury or property damage in excess of \$1500.

All employees are required to provide a breath test and/or a urine specimen to be tested for the use of controlled substances as soon as practicable after an accident but not to exceed eight (8) hours after the accident for alcohol testing and thirty-two (32) hours for drug testing. The employee must remain readily available for such testing. Failure to be so available will be deemed a refusal to submit to testing. Any employee who leaves the scene of an accident without appropriate explanation prior to submission to drug and alcohol testing will be considered to have refused testing.



Employees shall not consume any alcohol for eight (8) hours after an accident or until a test is conducted. If the employee is seriously injured and cannot provide a specimen at the time of the accident, he or she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his or her system.

Employees must adhere to post-accident specimen collection requirements as a condition of continued employment.

### C. Random Testing

The City has implemented two types of procedures for random testing of all employees who are subject to testing pursuant to the Applicability of Policy section found on pages 3-4 of this Policy: (1) testing of all employees who are subject to testing on a date certain, and (2) periodic random testing within a calendar year. All employees who are subject to testing will receive a written description of the random selection process and all employees who are subject to testing must sign a statement confirming each has received such written description. These statements will be placed in each employee's personnel file.

1. Testing of All Employees on a Date Certain. City will establish a date when all salaried and wage earning employees who are subject to testing pursuant to the Applicability of Policy section found on pages 3-4 of this Policy will be required to undergo controlled substance and/or alcohol tests. That date will be announced at least twelve (12) hours in advance of the testing date. Failure to report for work on the date of the test will be considered a refusal to submit to a test, unless the employee's absence had been pre-arranged with his/her supervisor prior to being notified of the scheduled tests. Those employees absent on the day of the scheduled test will be rescheduled for testing at a later date.

2. Periodic Random Testing Within a Calendar Year. City will contract with a third party to establish and administer an unannounced random testing process reasonably spaced within a calendar year.

The random selection process used by City will ensure that each employee who is subject to testing pursuant to the Applicability of Policy section found on pages 3-4 of this Policy has an equal chance of being tested each time selections are made. Several times a year, we will generate a list of all active employees using the employees' social security numbers. This list will be mailed to our third party contractor. From the list of social security numbers, the third party contractor will generate random lists of employees for testing. The third party contractor will then notify City of those employees selected, and City will notify each selected employee. Notification of selection will be done in private and will be kept confidential; however, your immediate supervisor will be notified of your required absence.

Employees who will be tested are randomly selected from the entire pool of employees subject to testing, which includes all eligible salaried and wage-earning employees and all supervisory and managerial employees. Once an employee is notified he or she has been selected for testing, he or she must proceed immediately to the test site as indicated in the notice of testing. Failure to proceed directly to the test site upon notification will be deemed a refusal to submit to the test.



#### D. Pre-employment Testing

All applicants for employment with the City for those positions set forth in the Applicability of Policy section found on pages 3-4 of this Policy, who are offered employment with the City, will be required to submit to and pass a breath alcohol test and/or a urine drug test as a condition of employment.

All offers of employment for these selected positions are made contingent upon the applicant's passing a medical review, including passing the alcohol and/or drug tests. Applicants who have received firm employment offers are to be cautioned against giving notice at their current places of employment or incurring any costs associated with accepting employment with City until medical clearance has been received.

#### **NOTIFICATION OF TEST RESULTS AND REQUESTS FOR ADDITIONAL TESTS**

All employees tested under this Policy will be provided with a copy of the test report. Before City will take any action based on a positive test result, the results will be reviewed and certified by a medical review officer trained in the field of substance abuse. All employees will be given the opportunity to provide notification to the medical review officer of any medical information that is relevant to interpreting test results, including information concerning currently or recently used prescription or non-prescription drugs.

Any employee who questions the confirmed positive results of a required drug test may request that an additional test of the urine split sample be conducted by an independent, DHHS- certified laboratory selected by the tested employee. If the additional test results are negative, the costs of such additional tests shall be paid by City. If the additional test results are positive, the costs of such additional tests shall be paid by the tested employee.

The method of collection, storing, and testing the split sample will be consistent with the procedures set forth in 49 C.F.R., Part 40. The employee's request for a re-test must be made to the medical review officer within seventy-two (72) hours of notice of the initial test result. Requests after seventy-two (72) hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

Employees testing positive for controlled substances or alcohol shall be provided the opportunity to rebut or explain the results of any test by submitting a written statement of explanation to the certified medical review officer. No adverse action will be taken by City if, in the opinion of the certified medical review officer, the employee presents a reasonable explanation or medical opinion indicating that the original test results were not caused by illegal use of controlled substances or by alcohol consumption. Should the employee present such a reasonable explanation or medical opinion, the test results will be removed from the employee's record and destroyed.



## **DISCIPLINARY ACTION**

Employees testing positive for an alcohol concentration of 0.02 or greater but less than 0.04 may not return to work (1) for twenty-four (24) hours or until another breath test is negative, (2) until the employee has completed an evaluation with a Substance Abuse Professional, and (3) has commenced treatment recommended by the Substance Abuse Professional.

Employees testing positive for controlled substances or for alcohol concentrations greater than 0.04 shall be terminated immediately. Terminated employees will be advised of available educational and rehabilitative programs and will be provided information on substance abuse professionals available for counseling.

Applicants for employment with the City for those positions set forth in the Applicability of Policy section of this Policy testing positive for controlled substances or testing positive for alcohol concentrations in the body greater than 0.02 shall not be hired. Applicants not hired as a result of positive drug or alcohol tests will be advised of available educational and rehabilitative programs and will be provided information on substance abuse professionals available for counseling.

## **EMPLOYEE ACCESS TO TEST INFORMATION**

City will maintain all records pertaining to testing and results in a secure manner so that disclosure of information to unauthorized persons does not occur. Employee information will only be released as required by law or as authorized. The release of information is allowed in the following instances:

- (1) An employee will have access to his or her alcohol or drug testing records upon written request.
- (2) When requested, City will disclose post-accident information to the National Transportation Safety Board as part of an accident investigation.
- (3) City will make records available to a subsequent employer only upon receipt of a written request from the employee.
- (4) City may disclose information to the employee or to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee. This may include worker's compensation, unemployment compensation, or other proceeding related to a benefit.
- (5) City will release information regarding the employee's records as directed by the specific, written consent of the employee's authorizing release of the information to an identified person.

## **EMPLOYEE ASSISTANCE PROGRAM**

The Program Administrator has information concerning educational and rehabilitative programs and substance abuse counselors and professionals available in your area. City suggests any employee who may have questions about or problems with the use of drugs and/or alcohol contact the Program Administrator or the Mental Health Center at 665-8730 for more information or assistance.

## **QUESTIONS REGARDING POLICY**

After you have read this Policy and the attached forms, sign and date the Acknowledgment Receipt in the presence of a non-relative witness, and return the Acknowledgment Receipt to the Program Administrator.

If you have any questions regarding this Policy, please contact the Program Administrator.



# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9293 Phone 406-665-2719 Fax

## ACKNOWLEDGMENT RECEIPT

This Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Use and Testing and the incorporated forms ("Policy") have been written and adopted in compliance with state and federal law, and is provided to you to ensure your safety, the safety of your co-employees, and the continued successful operation of the City of Hardin. Take the Policy home with you and spend some time reading through it. If you need additional information feel free to contact the Finance Officer. Once you have read the Policy and each of the attached forms, sign and date this receipt below as indicated, then detach this receipt and return it to your supervisor. This is your copy of the City's Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Use and Testing and attached forms. Please keep it in a convenient place for future reference.

I, \_\_\_\_\_, certify that I have received a copy of the City's Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Use and Testing. I have read and I understand and accept the contents of the Statement and I accept full responsibility for familiarizing myself with the procedures and policies it contains. I understand that as a condition of my employment with the City, I must comply with these guidelines, policies, and procedures. If I develop a problem with drugs and/or alcohol while employed by the City, I will seek assistance through the Program Administrator and any available Employee Assistance Program.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18

# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9293 Phone 406-665-2719 Fax

## FORM A - NOTICE TO EMPLOYEE OF ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST

TO: \_\_\_\_\_

You are hereby notified by the Program Administrator that pursuant to City's Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing you are required to submit:

\_\_\_\_\_ an alcohol breath test

\_\_\_\_\_ a controlled substance urine test

Your breath specimen will be analyzed for the presence of alcohol. Your urine specimen will be tested at a laboratory approved by the U.S. Department of Health and Human Services for the following drug substances: marijuana, cocaine, opiates, phencyclidine, and amphetamines.

You are now required to proceed directly to the collection site for the purpose of providing the above-requested breath and/or urine samples. Upon reaching the site you will be asked to consent to the requested testing. You must follow the instructions given to you and any instructions given to you by the collection site technician. Your cooperation is greatly appreciated.

I, \_\_\_\_\_, have read and understand the terms contained in this notice. I understand I will may be terminated should my breath alcohol test indicate a presence of alcohol in my body greater than 0.04 or should my urine test indicate the presence of any of the above-listed controlled substances. Further, I understand I may be terminated should I refuse to submit to the required testing.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18



# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9293 Phone 406-665-2719 Fax

## FORM B - CONSENT TO ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING BASED UPON *REASONABLE SUSPICION*

I, \_\_\_\_\_, have received a copy of City's Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing, and I understand that refusing to provide a breath and/or a urine specimen, as requested by the City, tampering with a specimen, or providing false information on a specimen collection and control form constitute grounds for termination of employment with City. I understand that failure to pass either the requested alcohol test or the requested drug test may result in disciplinary action up to and including termination from employment.

**I hereby consent to provide a breath and/or a urine specimen, as requested by the City, for the purpose of testing for the presence of alcohol and controlled substances at a laboratory designated by City. I authorize the release of such test results to the medical review officer designated by City and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18

**I do not consent to provide either a breath or a urine specimen, as requested by the City, for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result my termination from employment.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18



# **CITY of HARDIN**

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9293 Phone 406-665-2719 Fax

## **FORM C - CONSENT TO POST-ACCIDENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING**

I, \_\_\_\_\_, have received a copy of City's Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing, and I understand that refusing to provide either a breath and/or a urine specimen, as requested by the City, tampering with a specimen, or providing false information on a specimen collection and control form constitute grounds for termination of employment with City. I understand that failure to pass either the requested alcohol test or the requested drug test may result in disciplinary action up to and including termination from employment.

**I hereby consent to provide a breath and/or a urine specimen as requested by City for the purpose of testing for the presence of alcohol and/or controlled substances at a laboratory designated by City. I authorize the release of such test results to the medical review officer designated by City and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18

**I do not consent to provide either a breath or a urine specimen as requested by City for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result in my termination from employment.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18



# CITY of HARDIN

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## FORM D - QUESTIONNAIRE TO AID IN SELECTING A LAB

This form can be sent to any U.S. Department of Health and Human Services certified laboratory or used to conduct telephone inquiries regarding essential services, costs and response times.

	Yes	No	Cost	
1.	—	—	—	Does the lab provide chain of custody forms to the collection site?
2.	—	—		Does the lab also test for presence of alcohol?
3.	—	—		Does the lab provide collection kits to the collection site?
4.	—	—		Does the lab provide mailers to the collection site?
5.	—	—		Does the lab provide training to the collection site?
6.	—	—		Does the lab provide expert testimony?
7.	—	—		Does the lab charge per test?
8.	—	—	—	Is the lab personnel available 24 hours a day, seven days per week?
9.				Who are the usual overnight shipping companies servicing the lab? _____ _____
10.				What is the turn-around time from the lab to the medical review officer? _____ _____
11.				What is the billing method used by the lab? _____ _____
12.				Are lab charges for collection kits, forms and mailers included in charges for tests or is payment required separately in advance for these items? _____ _____
13.				Is there a set-up fee for initiating a contract with the lab? _____ _____

14. Is there a minimum number of tests per year the lab is willing to conduct under a contract?
- 
15. Does the lab utilize a standard contract with its clients?
- 
- 

### **FORM E - PROCEDURES FOR COLLECTING URINE SPECIMENS**

Please carefully follow all procedures for the collection and testing of urine samples outlined in 49 C.F.R., Part 40. The following list is not exhaustive, but rather is intended to highlight some key collection steps.

Before the specimen is collected, make sure that you have sufficient supply of forms available for Breath and Urine Custody and Control and Consent.

The collection site administrator is responsible for maintaining the integrity of the specimen collection and transfer process, for carefully ensuring the modesty and privacy of the donor, and for avoiding any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.

Inspect the collection site for the presence of unauthorized persons or materials that could be used to adulterate the specimen and restrict access to the room.

Verify the identity of the employee/applicant through the use of an official picture identification card (driver's license or employee ID). Notify the appropriate authority if the employee/applicant fails to report or arrives more than 30 minutes late for the appointment.

Request that the employee/applicant check his/her belongings, including purses, jackets, briefcases, bulky sweaters, etc., and remove the contents of pockets.

Request that the employee/applicant rinse his/her hands with clean water and dry. Request the employee/applicant to not use soap.

Give the employee/applicant a clean, single-use collection container for urine specimens (unwrap it in front of the employee), and direct him/her to the designated collection site. Do not enter the designated collection site--you should NOT observe the specimen collection unless special circumstances exist. Instruct the employee/applicant that at least sixty (60) ml of urine are required and that the temperature will be taken to ensure the integrity of the sample. Only one sample should be collected at a time.

If the employee/applicant is unable to provide a specimen of sufficient volume, at least forty-five (45) ml, the specimen shall be discarded. The employee/applicant shall be directed to drink up to forty (40) ounces of water, distributed reasonably through a period of up to three (3) hours, or until the employee/applicant has provided a new urine specimen, whichever occurs first. If the employee/applicant refuses or cannot provide a sufficient specimen within three (3) hours, the collection efforts shall be discontinued and City shall be so notified.



Immediately after, but in no case more than four (4) minutes after urination, record the temperature of the specimen, visually examine the specimen for any unusual color or sediment and note the results on the Urine Custody and Control Form. The specimen shall then be split into two bottles: one containing thirty (30) ml of urine to be used as the primary sample, and the second containing at least fifteen (15) ml of urine to be used as the split sample.

If there is any reason to suspect adulteration or substitution, (a) notify a higher level supervisor, (b) have a same-gender technician directly observe the collection of a second specimen, and c) submit both specimens for testing.

Seal and label the specimen bottles in the presence of the employee/applicant. Record the identification numbers, date, and time of the collection. Have the employee/applicant initial each label verifying that the specimen is his/hers.

Complete the Urine Custody and Control form ensuring that you and the employee/applicant have signed the appropriate certification statement on the form.

Have the appropriate consent form signed by the employee/applicant authorizing the laboratory to examine the urine and release the information to the medical review officer.

Place the specimen bottles in a single shipping container seal. Sign the seal and record the time and date of closure for shipment.

Store the specimen in a secure location until shipped. Note each transfer of custody on the Urine Custody and Control form.

Ship the specimen, together with the chain of custody form, to the laboratory using the designated courier.

# **CITY of HARDIN**

406 North Cheyenne Avenue Hardin, MT 59034  
406-665-9293 Phone 406-665-2719 Fax

## **FORM F - PROCEDURES FOR COLLECTING BREATH SPECIMENS**

Please carefully follow all procedures for the collection and testing of breath samples outlined in 49 C.F.R., Part 40. The following list is not exhaustive, but rather is intended to highlight some of the key collection steps.

Before the specimen is collected, make sure you have a sufficient supply of forms available for breath alcohol testing.

Testing must be conducted in a location that affords visual and aural privacy to the employee/applicant being tested, sufficient to prevent unauthorized persons from seeing or hearing test results. A mobile collection facility, e.g., a van equipped for alcohol testing, may also be used provided it affords sufficient visual and aural privacy. However, in unusual circumstances it may be necessary to conduct a test at a location that does not fully meet the visual and aural privacy requirements.

The Breath Alcohol Technician is responsible for maintaining the integrity of the specimen collection and transfer process, for carefully ensuring the modesty and privacy of the donor, and for avoiding any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.

Inspect the collection site for the presence of unauthorized persons or materials that could be used to adulterate the specimen and restrict access to the site.

Verify the identity of the employee/applicant through the use of an official picture identification card (driver's license or employee ID). Notify the appropriate authority if the employee/applicant fails to report or arrives more than thirty (30) minutes late for the appointment.

On request by the employee/applicant, the Breath Alcohol Technician shall provide positive identification to the employee/applicant.

Explain the screening test procedure to the employee/applicant.

The Breath Alcohol Technician shall complete step 1 of the Breath Alcohol Testing Form. The employee/applicant shall complete step 2 on the form and sign the certification. Refusal to sign the certification shall be regarded as a refusal to take the test.

Open an individually-sealed mouthpiece in view of the employee/applicant and attach the new mouthpiece to the EBT device.

Instruct the employee/applicant to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT device indicates that an adequate amount of breath has been obtained. This shall be the screening test.



If the EBT device prints the test results directly onto the form, show the employee/applicant the result displayed on the EBT device. If the EBT device provides a printed result, but does not print the results directly onto the form, show the employee/applicant the result displayed on the EBT device, then affix the test result printout to the breath alcohol test form in the designated space using a tamper-proof method of attachment.

If the result of the screening test is a breath alcohol concentration of less than 0.02, date the form and sign the certification in Step 3 of the form. The employee/applicant shall then sign the certification and fill in the date in Step 4 of the form. Refusal by the employee/applicant to sign the certification in Step 4 of the form shall be considered a refusal to be tested.

If the result of the screening test is a breath alcohol concentration of less than 0.02, no further testing is authorized and the Breath Alcohol Technician shall transmit the result of less than 0.02 to City in a confidential manner.

If the result of the screening test is a breath alcohol concentration of 0.02 or greater, a confirmation test shall be performed.

Instruct the employee/applicant not to eat, drink, put any object or substance in his/her mouth, and, to the extent possible, not to belch during a waiting period before the confirmation test. The waiting period shall not be less than fifteen (15) minutes nor greater than thirty (30) minutes from the completion of the screening test. Instruct the employee/applicant the reasons for the waiting period.

Before the confirmation test is administered, make sure the EBT device registers 0.00 on an air blank. If the reading is greater than 0.00, conduct a second air blank test. If the reading on the second air blank is greater than 0.00, that EBT device shall not be used for the confirmation test.

In conducting the confirmation test, the Breath Alcohol Technician shall follow the same procedures as required for the screening test. A new mouthpiece shall be used for the confirmation test.

In the event the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result.

Should the employee/applicant fail or refuse to sign the form as and required, or if the employee/applicant fails or refuses to provide an adequate amount of breath, or if the employee/applicant eats, drinks, places objects or substances in his/her mouth or belches during the waiting period before a confirmation test is administered, note such failures, refusals, or actions in the "Remarks" area of the form.



# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9293 Phone 406-665-2719 Fax

## FORM G - INSTRUCTIONS TO EMPLOYEE FOR COLLECTION OF BREATH AND URINE SPECIMENS FOR ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING

Report to the specimen collection site selected by City as soon as possible but no later than thirty (30) minutes after notification to report. Refusal to report for testing or refusal to cooperate with the testing process may result in immediate termination or denial of employment.

Provide the collection site technician with an official picture identification card (i.e., driver's license, employee I.D.).

Check your belongings with the technician including purses, briefcases, and bulky outerwear (sweaters, jackets, vests, hats, etc.). Remove the contents of your pockets.

Rinse your hands with clear water and dry. Do not use soap.

For urine specimens, go to the designated collection site and provide a specimen in the collection cup provided. You will not be observed while providing a specimen. You will be required to provide at least sixty (60) ml of urine. If an insufficient amount is provided, your initial sample will be discarded. You will be instructed to drink up to forty (40) ounces of water, distributed reasonably through a period up to three (3) hours, or until you have provided a new urine sample, whichever occurs first. If you refuse or are unable to provide a sufficient specimen within three (3) hours, the collection efforts shall be discontinued and City will be so notified.

For breath specimens, follow the instructions of the collection site technicians in providing a breath specimen for the Evidential Breath Testing Device.

Do not attempt to tamper with the specimen or make substitutions. The urine specimen will be visually inspected for unusual color and sediment. The temperature of the urine specimen will be measured and must fall within acceptable range. If the collection site technician suspects tampering, you will be required to provide a second sample under the direct observation of a same-gender technician. Tampering with a urine or breath specimen may result in immediate termination from your employment.

Give the urine or breath specimen to the collection site technician and observe the sealing of the container(s). Initial the label verifying that the specimen is yours.

Complete the appropriate parts of the Urine Custody and Control Form.



# **CITY of HARDIN**

406 North Cheyenne Avenue Hardin, MT 59034

406-665-9293 Phone 406-665-2719 Fax

## **FORM H - CONSENT TO RANDOM ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING**

I, \_\_\_\_\_, have received a copy of City's Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing, and I understand that refusing to provide a breath and/or a urine specimen as requested by City, tampering with a specimen, or providing false information on a specimen collection and control form constitute grounds for termination of employment with City. I understand that failure to pass the requested alcohol test and/or the requested drug test may result in disciplinary action up to and including termination from employment.

**I hereby consent to provide a breath and/or a urine specimen, as requested by the City, for the purpose of testing for the presence of alcohol and controlled substances at a laboratory designated by City. I authorize the release of such test results to the medical review officer designated by City and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18

**I do not consent to provide either a breath or a urine specimen, as requested by the City, for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result in my termination from employment.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18



# CITY of HARDIN

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## FORM I - TECHNIQUE FOR SELECTING EMPLOYEES AT RANDOM

The following procedure may be used for randomly selecting employees for testing on a quarter-annual basis.

Complete items (A) through (D) on the Employee List--Random Alcohol and Controlled Substance Testing Form.

Transfer the Social Security Numbers or Employee I.D. Numbers of all eligible employees to Form J, Employee List--Random Alcohol and Controlled Substance Testing.

*Do not transfer names! The order of placement of numbers transferred to this Form is not important and will not affect the sampling technique.*

Send Form J to the City's third party contractor retained to assist the City with the random testing selection process.

*The third party contractor shall complete item (E); then select the employees who will be subject to the random testing for this testing period (selection must be made based upon a scientifically proven method of random selection); and then notify the City of the Employee ID Numbers selected for the random testing for this testing period.*

Once the third party contractor has notified the Program Administrator of the Employee ID Numbers selected for the random testing, the Program Administrator shall notify all employees selected for random testing by using Form A, Notice to Employee of Alcohol and/or Controlled Substance Test.

The Program Administrator shall obtain each selected employee's consent or refusal to submit to the random testing by using Form H, Consent to *Random* Alcohol and/or Controlled Substance Testing.

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## FORM J - EMPLOYEE LIST FOR RANDOM ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING

(A) Current Date: \_\_\_\_\_

(D) Annual No. of Employees to be Tested: \_\_\_\_\_

(B) Quarter Beginning: \_\_\_\_\_

(E) Sample Size for this Test: \_\_\_\_\_

© Total No. of Sensitive Safety Employees: \_\_\_\_\_

**SEQUENCE  
NUMBER**

**EMPLOYEE ID NUMBER**

**SELECTED  
FOR TESTING**

1.	_____	1. _____
2.	_____	2. _____
3.	_____	3. _____
4.	_____	4. _____
5.	_____	5. _____
6.	_____	6. _____
7.	_____	7. _____
8.	_____	8. _____
9.	_____	9. _____
10.	_____	10. _____
11.	_____	11. _____
12.	_____	12. _____
13.	_____	13. _____
14.	_____	14. _____
15.	_____	15. _____



# CITY of HARDIN

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## FORM K - NOTICE OF *PRE-EMPLOYMENT* ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING

All applicants for employment with City must at City's election pass an alcohol breath test and/or a controlled substance urine test prior to employment. As part of your pre-employment evaluation, you will be required to submit a breath and/or a urine specimen at a designated collection site. Your breath will be analyzed for the presence of alcohol. Your urine specimen will be tested at a laboratory approved by the U.S. Department of Health and Human Services for the following controlled substances: marijuana, cocaine, opiates, phencyclidine, and amphetamines.

You must pass the requested tests as a condition of your employment. If you are selected for employment with City, you will be subject to future alcohol and/or controlled substance testing (1) on a pre-arranged date, (2) by random unannounced testing, (3) when there is reasonable suspicion to believe you have used alcohol or a controlled substance, and (4) following a work-related accident.

**I, \_\_\_\_\_, have read and understand the terms contained in this notice. I understand I will not be hired should my breath alcohol test indicate a presence of alcohol in my body greater than 0.02 or should my urine test indicate the presence of any controlled substances set forth in the Policy. Further, I understand I will not be hired should I refuse to submit to the required testing.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18

# CITY of HARDIN

406 North Cheyenne Avenue Hardin, MT 59034  
406-665-9293 Phone 406-665-2719 Fax

## FORM L - CONSENT TO *PRE-EMPLOYMENT* ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING

I, \_\_\_\_\_, have received a copy of City's Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing Policy, and I understand that refusing to provide a breath and/or a urine specimen, as requested by City, tampering with a specimen, or providing false information on a specimen collection and control form constitute grounds for cancellation and withdrawal of an offer of employment. I also understand that failure to pass either the requested alcohol test and/or the requested drug test may result in a cancellation and withdrawal of an offer of employment.

**I hereby consent to provide a breath and/or a urine specimen, as requested by City, for the purpose of testing for the presence of alcohol and/or controlled substances at a laboratory designated by City. I authorize the release of such test results to the medical review officer designated by City and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18



**I do not consent to provide either a breath or a urine specimen as requested by City for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result in a cancellation and withdrawal of an offer of employment.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18

# **CITY of HARDIN**

406 North Cheyenne Avenue Hardin, MT 59034

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## **CONSENT FORM FOR COLLECTION AND TESTING OF URINE SAMPLE**

### **NOTIFICATION OF DRUG TESTING AND CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT**

I acknowledge that a negative drug test result and remaining drug-free are conditions of my employment and that I will be deemed ineligible for employment if my initial positive result is confirmed positive and I have no satisfactory explanation. I further acknowledge that if I am deemed ineligible, I will not be permitted to apply to the City of Hardin for one year for a position with the City of Hardin. I realize that I may have my sample retested or obtain a confirmatory test by an independent laboratory selected by me and that to do so, I must contact the Medical Review Officer or Finance Officer within 48 hours after I am notified that my sample tested positive. I further acknowledge that the testing procedures of the designated collection and testing laboratories are available to me upon my request and I have read and understand the City's Drugs and Alcohol policy.

### **CONSENT**

**I do consent to the collection and testing of my urine sample by the City of Hardin, and its designated collection and testing laboratories to determine the presence of the following drugs:**

**Marijuana, Cocaine, Amphetamines, Opiates and Phencyclidine (PCP).**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18



**I do not consent to provide a urine specimen as requested by City for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result in a cancellation and withdrawal of an offer of employment.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent's Signature if Employee is under the age of 18