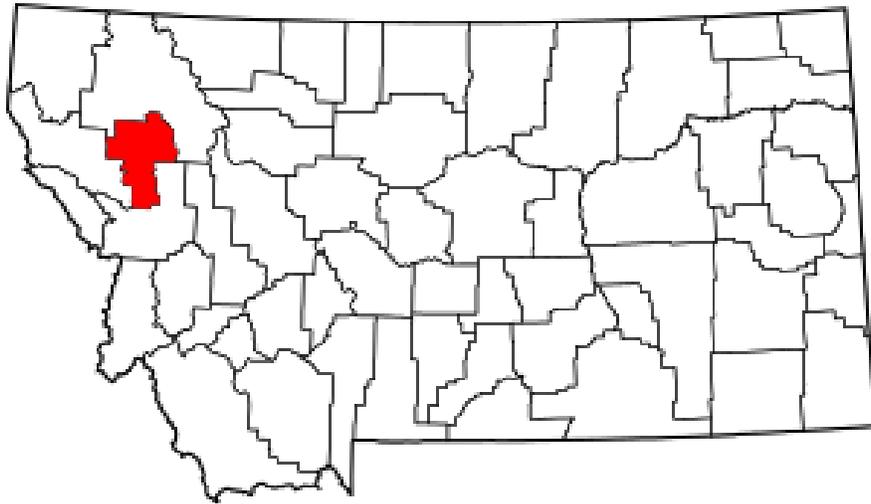


# Lake County, Montana



## Employee Operations Manual

Effective Dates Noted Within Individual Policies





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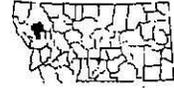
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## About Lake County

You are part of a team of employees who serve nearly 30,000 Lake County residents and thousands of businesses. Polson, the county seat, is the state's 18th largest city. Flathead Lake, located in Polson, is the largest natural fresh water lake west of the Mississippi River, stretching 27.3 miles long, 15.5 miles wide, and a maximum depth of 370.7 feet. The county is 1,654 square miles in area; 1,490 square miles in land area and 164 in inland water area.

According to the Montana Almanac, by authors Andrea Merrill and Judy Jacobson, the county was established in 1923 and was one of the last counties to be formed in Montana.

The authors add Flathead Lake was the inspiration for Lake County's name and Polson was named for Mission Valley stockman David Polson. Lake County is home to the Confederated Salish and Kootenai Tribes of the Flathead Nation. The Flathead Reservation was established by the Hellgate Treaty of 1855.

In 1845, Father Pierre Jean DeSmet arrived and helped establish the first permanent mission at St. Ignatius in 1854. Lake County is also home to the Mission Valley and Mission Mountain Range, Flathead Lake, the National Bison Range, and the Ninepipe-Swan- and Pablo National Wildlife Refuge.

You can take pride in knowing that you help make a difference in people's lives by providing vital services to the people who live in our cities, towns, and unincorporated communities.

As a Lake County employee, you need to know about performance expectations, policies, your benefits, your rights, and how to succeed at your job. You can't possibly memorize every last detail, but it is all important. This Operations Manual was created to make it easier for you to have this information.

We welcome you, and wish you well.

### Lake County Commissioners

**William Barron**  
Chairperson

**Ann Brower**  
Member

**Gale Decker**  
Member

**Effective Date: January 2, 2017**



## Lake County Directory

Lake County Courthouse Directory email links and telephone numbers are listed below.

If you need to send a letter to the Lake County Courthouse the mailing address is:

The Lake County Courthouse  
106 4th Ave East  
Polson, MT 59860

Area Code: 406

- Area Agency of Aging: 883-7284
- Auditor: 883-7215
- Clerk & Recorder: 883-7215
- Conservation District: 676-2841
- County Attorney: 883-7245
- County Commissioners: 883-7204 lakecommissioners@lakemt.gov
- Council on Aging-Ronan: 676-2367
- Department of Revenue: 883-7227
- District Court Clerk: 883-7254
- District Court Judge: 883-7250
- District Court Reporters: 883-5237
- Election Office: 883-7268
- Environmental Health: 883-7236 envhealth@lakemt.gov
- Extension Office: 676-4271 lake1@montana.edu
- Fair Board: 676-8660
- Finance/Accounting: 883-7239
- GIS: 883-7212 GIS@lakemt.gov
- Human Resources: 883-7275
- I.T. Department: 883-7351
- Justice Court: 883-7258
- Maintenance: 883-7281
- Motor Vehicle Department: 883-7217 dmv@lakemt.gov
- Office of Emergency Management: 883-7253
  - Dispatch (non-emergency): 883-7301
  - Dispatch (emergency): 911
- Plat Room: 883-7213
- Planning Department: 883-7235 planning@lakemt.gov
- Polson Airport - 406-883-2482
- Property Appraisal: 883-7227
- Property Assessment: 883-7232



## Lake County Directory, continued

- Property Taxes: 883-7224 treasurer@lakemt.gov
- Public Administrator: 883-7215
- Public Health Department: 883-7288
- Road & Bridge: 883-7206
- Ronan Airport: 406-249-2550
- Search & Rescue: 883-7301
- Sheriff's Office: 883-7279 Civil: 883-7279 Jail: 883-7272 lcso@lakemt.gov
- Solid Waste: 883-7323
- St Ignatius Airport - 406-745-4008
- Superintendent of schools: 883-7262 lacosupt@lakemt.gov
- Treasurer: 883-7221 treasurer@lakemt.gov
- Weed Control: 883-7330
- Welfare: 883-7820
- WIC: 883-4605
- Youth Court Services: 883-7264



Acknowledgment and Receipt  
Lake County Employee Operations Manual

I have received a copy of the Lake County Employee Operations Manual (“Manual”) with an Effective Date of January 2, 2017 on the date set out below.

I understand and acknowledge that the Manual contains and describes important information about Lake County, and that it is my responsibility to read and comply with the policies contained in this Manual and any revisions made to it.

I understand that I should consult with my supervisor, Department Head or Human Resources regarding any questions I may now or in the future have about the policies and procedures contained and described in this Manual.

I understand and acknowledge that the provisions of this Manual are subject to change at any time with or without notice, and that revisions to the Manual may supersede or eliminate one or more existing policies.

I understand and acknowledge that by distributing this Manual, Lake County expressly revokes any and all previous policies and procedures which are inconsistent with those contained in this Manual.

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EMPLOYEE'S SIGNATURE

---

DATE

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EMPLOYEE'S NAME (PRINTED)



# **Lake County, Montana Employee Operations Manual**

## **Chapter 1 Adoption, Purpose and Application**





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## **CHAPTER 1 - ADOPTION, PURPOSE AND APPLICATION**

### **Section 1.1 Adoption**

The following personnel policies and procedures governing the administration of the County Personnel System have been adopted by the Board of Lake County Commissioners and became effective January 14, 1993, as amended January 08, 2009, and as amended November 1, 2016.

Unless limited by any applicable law or collective bargaining agreement(s) (“CBA”), Lake County (“County”) specifically reserves the right to repeal, modify or amend these policies and procedures at any time, with or without notice. None of these provisions shall create a vested contractual right in any employee or to limit the power of the Commissioners to repeal or modify these policies and procedures. These policies and procedures are not to be interpreted as promises of specific treatment. See Section 7-5-2101, MCA.

In the event of conflict between these rules and any CBA, County resolution or rule, or state or federal law, the terms and conditions of that contract, rule or law shall prevail. In all other cases, these policies and procedures shall apply.

In the event of the amendment of any resolution, rule or law incorporated in this document or upon which these provisions rely, these policies and procedures shall be deemed amended in conformance with those changes.

### **Section 1.2 Purposes**

These personnel policies and procedures are adopted to provide for the recruitment, development, and retention of the best available employee for each position in the service of the County without regard to color, race, religion, creed, political ideas, sex, age, marital status, physical or mental disability, national origin, genetic information, or other status protected by federal or Montana state law, except where a bona fide occupational qualification is necessary to a County operation.

These policies and procedures apply to all areas of employment including, but not limited to: recruitment, training, compensation, benefits, promotions, demotions, transfers, separations, and other employee programs. They are intended to ensure:

- (a) That employment in the service of the County shall be made attractive as a career.
- (b) That all appointments and promotions to positions in County service shall be on the basis of merit.



- (c) That personnel issues shall be resolved in a legal, fair and orderly manner under the cooperation of the Commissioners, elected officials, department heads, and employees.

### **Section 1.3 Positions Covered**

These personnel policies and procedures shall apply to all County employees.

### **Section 1.4 Abbreviations**

The following abbreviations will be used throughout this Employee Operations Manual ("Manual"):

- 1.41** The Administrative Rules of Montana will be referred to as "ARM".
- 1.42** The Montana Code Annotated will be referred to as "MCA".
- 1.43** The Board of Lake County Commissioners will be referred to as "Commissioners".
- 1.44** Collective Bargaining Agreement(s) will be referred to as "CBA".
- 1.45** The Human Resources Department will be referred to as "HR" or "Human Resources".

### **Section 1.5 Definitions**

As used in this Manual, the following definitions apply:

#### **1.51 County**

Shall refer to Lake County, Montana, government.

#### **1.52 Permanent Employee**

Means an employee, who has been continuously employed for not less than six (6) months, and successfully completed their probationary period pursuant to relevant sections of this Manual. See also Section 2-18-101 (18), MCA. Employees of this status may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week).

#### **1.53 Temporary Employee**

Means an employee who is hired for a definite period of time not to exceed twelve (12) months, is terminated at the end of the employment period, and is not eligible to



become a permanent employee without a competitive selection process. See Section 2-18-101(26), MCA.

#### **1.54 Seasonal Employee**

Means a permanent employee who is designated by the County as seasonal, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. See Section 2-18-101(22), MCA.

#### **1.55 Short-Term (or Emergency) Employee**

Means an employee who:

- (a) is appointed in an emergency situation, as outlined in section 2.34 of this Manual, for no more than ninety (90) days in a continuous twelve (12) month period in a single department,
- (b) is not eligible for permanent status or appointment into another position without a competitive selection process, and
- (c) is not eligible to earn leave, holiday or insurance benefits herein provided. See Section 2-18-1010(23), MCA

#### **1.56 Exempt Employees**

Shall refer to Executive, Administrative and Professional employees, as defined in Section 39-3-406, MCA and Sections 24-16-241 ARM, as well as certain Computer Employees, as defined in Section 39-3-406(1)(j) MCA (effective October 1, 2013).

#### **1.57 Non-Exempt Employee**

Shall refer to employees not classified as Executive, Administrative, Professional, or Computer Employee.

#### **1.58 Part-time Employee**

Shall refer to an employee who normally works less than forty (40) hours weekly. See Section 2-18-601(10), MCA.

#### **1.59 Probationary Employee**

A probationary employee is an individual working for the County on a trial basis prior to becoming a permanent employee.

#### **1.591 Sheriff's Office**



Any person employed as a Deputy Sheriff or Detention Officer shall serve a one (1) year probationary period, and during this probationary period, the employment of any such individual may be terminated by the Sheriff with or without cause and without recourse.

#### **1.592 Dispatchers**

Any person employed as a Dispatcher shall serve at least a one (1) year probationary period. This probationary period may be extended by the Department Head.

#### **1.593 Probationary Employees Probationary Period**

Probationary employees other than those identified in subparagraphs 1.591 and 1.592 above shall serve at least a six (6) month probationary period. This probationary period may be extended by their respective Department Heads.

#### **1.60 Day and Working Day**

The term “day” shall refer to calendar days; and, the term “working day” shall refer to all days except Saturday, Sunday and holidays.

#### **1.61 Workweek**

A workweek is a regularly recurring period of 168 hours in the form of seven consecutive twenty-four (24) hour periods. The workweek need not coincide with the calendar week - it may begin any day of the week and any hour of the day.

Each workweek stands alone. Employment for two (2) or more workweeks cannot be averaged out for the sake of computing overtime or minimum wages. The beginning of the workweek may be changed if the change is intended to be permanent and is not designed to evade the overtime requirements of the law. The workweek is to be taken as the standard in determining applicability of the law. See Section 24.16.501 ARM.

**Lake County, Montana  
Employee Operations Manual**

**Chapter 2  
Employment Practices**





## **CHAPTER 2 – EMPLOYMENT PRACTICES**

### **Section 2.1 Equal Employment Opportunity**

It is the policy of Lake County, Montana (“County”) to recruit, select, and promote personnel without regard to color, race, religion, creed, political ideas, sex, age, marital status, physical or mental disability, national origin, genetic information or other status protected by federal or Montana law, except where a bona fide occupational qualification is necessary to a County operation.

The County does not discriminate on the basis of disability in employment or in the admission and access to its services, programs or activities. This policy applies equally to job applicants, employees of the County, and members of the general public who access public services through County departments and related agencies.

### **Section 2.2 Nepotism Policy**

The County does not discriminate against applicants or employees based on marital status unless required to do so by the demands of the position in question (e.g., bona fide occupational qualification). Compliance with Sections 2-2-302 and 2-2-303, MCA, which prohibit nepotism in hiring and appointment is not discrimination. Marital status includes whether a person is married, divorced, separated, single, or widowed, and the identity and occupation of a person’s spouse.

No one may be refused employment or terminated solely because the County employs another member of that individual’s family. However, no member of the Commissioners, Elected Official, Department Head, or any other County employee will be permitted to hire a family member. For the purposes of this policy, family members include any person related or connected to an employee by consanguinity within the fourth degree or by affinity within the second degree.

A person connected within the fourth degree of consanguinity includes: parent, child, grandparent, brother or sister, grandchild, great grandparent, uncle or aunt, nephew or niece, great grandchild, great great grandparent, great uncle or aunt, first cousin, grandnephew or niece, and great great grandchild.

A person connected within the second degree of affinity includes: father-in-law, mother-in-law, daughter-in-law, son-in-law, grandparent-in-law, brother-in-law (wife’s or husband’s brother) and his wife, sister-in-law (wife’s or husband’s sister) and her husband and husband or wife of grandchild.

The prohibition does not apply to Sheriffs appointing cooks and/or attendants, employment of election judges, or the renewal of an employment contract for a relative initially hired before a related member assumed duties of the office.



## Section 2.3 Filling County Positions - Procedure

**2.31** When a Department Head has a position to fill the following process will be used:

- The Department Head and Human Resources will review the job description of the position and ensure that it is still accurate. If there is not a current job description, the Department Head and Human Resources will create one.
- The Commissioners must approve each open position before it is posted. This will be done on a New Hire Requisition form available from Human Resources.
- Human Resources will create the job posting. All postings will follow the CBA the position falls under or the Employee Operations Manual. All postings will be done by Human Resources and will have a closing date of not less than two (2) weeks after the posting. Positions will be posted with Lake County Job Service, the Lake County website and inside of the Lake County Courthouse. If positions are to be more widely advertised, it must be approved through the Human Resources Department.
- All applications should come directly to Human Resources. Any applications that are received in any other department shall be routed to Human Resources immediately. A new application will need to be submitted by the applicant for EACH position opening.
- Human Resources and the Department Head will review the applications and compile a list of those to be interviewed.
- Behavioral Based interview questions will be used. The questions will be agreed upon before the interviews. A scoring sheet will be used by each interviewer for each applicant. All interviews will include Human Resources whenever possible. Under no circumstances will an interview be conducted with only one interviewer.
- The successful applicant must be approved by the Commissioners prior to a job offer being extended.
- The original application will be placed in the employee's file. All applications and notes from the posting will be kept in a recruitment file for a period of two (2) years in the Human Resources Department.

### 2.32 Testing

Applicants may be required to take and pass appropriate competency tests for the positions being sought.

When appropriate and in conformity with the requirements of the Americans with Disabilities Act, some jobs may be offered on a conditional basis subject to the applicant passing a relevant medical exam.



## 2.33 Background Checks

### *Purpose*

To ensure that individuals who join the County are well qualified and have a strong potential to be productive and successful employees, it is the County's policy to investigate the backgrounds and employment references of certain applicants.

Background investigations will be conducted at the County's discretion and in accordance with federal and state law.

In addition, the County may conduct background investigations when employees are being considered for promotions or transfers, or in furtherance of an internal investigation of alleged misconduct.

The County relies on the accuracy of information contained in employment applications, as well as the accuracy of other data presented throughout the hiring process and during employment. Any misrepresentations, falsifications, or material omissions in any of this information or these data may result in an applicant being excluded from further consideration for employment or, if an individual has already been hired, termination of employment.

### *Policy*

To enable appointing authorities to make well-informed selections/placements, a reference and/or criminal records check will be conducted on potential new hires for some regular and temporary positions, and for all candidates for specified high-level and risk-sensitive positions. Such background checks will be undertaken in conformity with Montana Rule 10.57.201A; The National Child Protection Act of 1993, as amended, (codified at 42 United States Code sections 5119a and 5119c); the Federal Fair Credit Reporting Act (FCRA), and other applicable statutes.

### *Positions Requiring Access to the Criminal Justice Information Network (CJIN)*

All applicants seeking employment that will allow them access to CJIN must successfully complete a background investigation conducted in accordance with County policy and state law related to CJIN access. By way of example, a CJIN-related background check will be undertaken for positions in the following departments and/or positions:

- Dispatch 9-1-1
- Sheriff's Deputies
- Sheriff's Administrative Assistant
- County Attorney's Office
- Custodians
- Detention
- Sheriff's Administration
- Justice Court Clerk
- Maintenance
- Information Technology



### *Positions Not Requiring Access to the Criminal Justice Information Network (CJIN)*

Human Resources may periodically require applicants for these positions to successfully complete a background investigation and drug test conducted in accordance with County policy and state law. The components of these pre-employment background and reference checks, including a criminal records check, may be established by the Human Resources based on job classifications and assignments.

### *Non-Employees*

It is the County's policy to have pre-appointment and pre-selection background checks conducted on potential volunteers, interns, and contractors for risk-sensitive assignments, internships, and contracts.

The components of the background check, including the criminal records check, are established by the Sheriff or his designee based upon the assignment, internship, or contract.

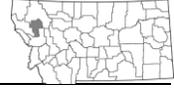
"Risk-sensitive" is defined for non-employees as any volunteer assignment, internship, or contract involving:

1. The care or supervision of arrestees, inmates, patients, children, the elderly, the disabled or the mentally impaired;
2. The unsupervised access by County staff to arrestees, inmates, patients, children, the elderly, the disabled or the mentally impaired;
3. The care or handling of animals;
4. The direct access to prescription drugs or other controlled substances;
5. The handling of cash;
6. The use of or access to non-public, confidential information;
7. The use of or contact with hazardous substances, dangerous equipment or materials, or unsafe environments;
8. The use of a County identification badge or a building access card;
9. The use of a County vehicle or personal vehicle used for County business;
10. The use of password-protected County information systems; or
11. The issuing of public assistance benefits.

Human Resources with the approval of the Commissioners may waive the background check for non-employees meeting the risk-sensitive criteria if some factor sufficiently mitigates the risk, such as the brief duration of the volunteer assignment, internship or contract.

### *Policy Amplifications*

Background and reference checks are used to verify information provided by the applicant and to obtain additional information (i.e., a criminal record and/or significant



job-related problems in prior employment) to determine suitability for the position for which they are being considered.

Human Resources may contract with third party investigative consumer reporting agencies to conduct background and reference checks. Applicants are consumers and are entitled to protections under the Federal Fair Credit Reporting Act (FCRA).

Applicants must complete and sign the appropriate disclosure, release and authorization forms prior to the County accessing background check information. Appropriate disclosure, release and authorization forms are available from Human Resources.

The County may, but is not required to take the following steps prior to extending formal offers of employment:

1. Obtain as much job-related information as possible from the current and former employer(s) of potential hires.
2. Verify degrees, licenses and other job-related credentials and current status of same.
3. Conduct criminal background and public records checks as set out in this policy.

#### *Impact of Adverse Background Check Information*

A background check is intended to help determine an individual's initial employability, promotability, and/or acceptability as a provider of public services.

Adverse information discovered during a background check will not automatically preclude an applicant from being offered employment with the County.

The County does not follow a policy of disqualifying for employment any applicant with a conviction for any crime other than a minor traffic offense. The County assesses whether an exclusion is job related for the position in question and consistent with business necessity by considering, among other considerations:

- The nature and gravity of the offense or conduct;
- The time that has passed since the offense or conduct and/or completion of the sentence; and
- The nature of the job held or sought.

Determinations as to whether or not information contained in a background check disqualifies an applicant from employment with the County for the position sought will be made (i) by the Sheriff for positions requiring access to CJIN and those involving potential volunteers, interns, and contractors for risk-sensitive assignments, internships, and contracts, and (ii) by the Human Resources Officer for all other positions.

### **2.34 Short-term (Emergency) Employee Hiring**



In an emergency situation in which immediate, emergency services are needed and in which the normal hiring process is inappropriate, the Department Head has the authority to make emergency appointments. Such appointments are subject to the approval of the Commissioners.

Employees hired under this subsection shall be deemed short-term employees as defined by section 1.55 of this Manual.

### **2.35 Temporary Hiring**

Employees hired to perform seasonal, intermittent or special projects tasks may be appointed by the Department Head pursuant to relevant sections of this Manual.

### **2.36 Probationary Period**

New hires, including transferred and promoted employees, must serve the probationary periods set out in subsections 1.59 through 1.593 of this Operations Manual.

### **2.37 Initial Evaluation**

All employees shall receive a written evaluation prepared by the Department Head prior to the expiration of the employee's probationary period. No employee shall be approved for permanent status until an evaluation recommending such approval is completed, signed and delivered by the Department Head to the employee's personnel file in Human Resources. A copy of the evaluation shall be provided to the employee.

### **2.38 Extension of Probationary Period**

The Department Head may extend the probationary periods set out in subsections 1.59 through 1.593 of this Operations Manual for an additional period of up to and including six (6) months or up to and including twelve (12) months based on the position if, in the opinion of the Department Head, such an extension is warranted by the results of the employees Initial Evaluation. A "notice of extension of probationary period" shall be in writing and placed in the employee's personnel file **prior** to the expiration of any initial period of probation.

### **2.39 Termination of Probationary Employee**

Probationary employees may be terminated without cause and without notice. Such employees are not eligible for any complaint resolution procedure set out in this Manual.

### **2.310 Probationary Period - New Position**

An employee, who moves to a vacant or new position that constitutes a promotion or



transfer or requires new skills, shall be required to serve the probationary periods set forth in set out in subsections 1.59 through 1.593 and 2.38 of this Operations Manual.

If a situation arises during an employee's probationary period for which a leave is granted, the time off will not be considered as time worked.

## **Section 2.4 Separation from Service**

### **2.41 Resignations**

An employee who desires to terminate service with the County is requested, but not required, to submit a written resignation to the Department Head and to Human Resources at least two (2) weeks prior to the effective date of resignation.

### **2.42 Non-Disciplinary Separations**

A layoff or reduction in force is the involuntary termination of employment because of lack of work, lack of funds, elimination of a position, material change in duties or organization of a department or any other situation where continuing to fund a position would be inefficient or nonproductive. A reduction in hours may occur when a position's hours are reduced, but the position is not eliminated. The County will provide the affected employee in the position selected for layoff with at least two (2) weeks' notice.

In selecting positions for layoff, the appropriate County official will determine which positions will best enable a department to meet its objectives after a layoff or reduction in force.

### **2.43 Involuntary Termination**

Non-probationary employees may be involuntarily terminated only in accordance with the procedures set forth in the relevant portions of this Manual.



**Lake County, Montana  
Employee Operations Manual**

**Chapter 3  
Personnel Records**





## CHAPTER 3 - EMPLOYEE PERSONNEL RECORDS

### Section 3.1 Employee Access to His or Her Own Personnel Records

For purposes of this Access to Employee Personnel Records policy only, an employee is defined as a current employee, an employee who is laid off with reemployment rights, an employee on an authorized leave of absence, or a former employee terminated within the immediate past twelve (12) calendar months measured from the date of that person's personnel file review request.

An employee involved in a current grievance under a collective bargaining agreement with Lake County, Montana ("County") may designate a representative of the union or collective bargaining unit to inspect the employee's personnel records that may be relevant to resolving the grievance.

An employee has access to view all of his or her employee personnel files once per calendar year subject to the following:

- a. The term "personnel file" shall not include records of an employee relating to the investigation of a possible criminal offense; letters of reference; documents which are being developed or prepared for use in civil, criminal or grievance procedures; test results; medical records; materials which are used by the County to plan for future operations; or information available to the employee under the Fair Credit Reporting Act.
- b. An employee must request access to his or her personnel file in writing using a Request to View/Copy Personnel File Form. The Form is available from the Human Resources Department.
- c. Employee may view records during regular business hours, on their own time, at the office where records are maintained, when there is enough time for employee to complete the review during regular business hours; and, in the presence of a County designated person.
- d. Although the employee may make notes, the employee may not make photocopies or photograph any records. The employee may request photocopies by using the Request to View/Copy Personnel File form available from the Human Resources Department. See Appendix A Request to View/Copy Personnel File. The County is not obligated to permit any copying of personnel records on the employee's behalf.

An employee may file a written response to information contained in the employee's personnel records. The written response becomes a permanent part of the employee's personnel record.



### Section 3.2 Non-Employee Access to County Employee Personnel Records

All employee personnel records are confidential and access is restricted to protect individual employee privacy, except the following employee information which is considered public and must be released upon written request made to the County Human Resources Department:

- a. an employee's name;
- b. position title;
- c. dates and duration of employment;
- d. salary; and
- e. claims for vacation, holiday, or sick leave pay, except that the reason for taking leave is confidential and may not be disclosed.

The County will not require justification for a request for public information.

### Section 3.3 Medical Information

1. As provided in the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA), access to employee medical information may not be disclosed except to:
  - a. the employee about whom the information pertains;
  - b. supervisors and managers when identifying restrictions on the employee's work or duties or identifying necessary accommodations;
  - c. first aid and safety personnel, when appropriate, if the disability might require emergency treatment;
  - d. government officials investigating compliance with the ADA or FMLA; and
  - e. support an employee's compliance with the certification provisions of the FMLA.
2. As provided in the Genetic Information Nondiscrimination Act (GINA), genetic information may not be disclosed except:
  - a. to an occupational or other health researcher if the research is conducted in compliance with the federal regulations and protections provided for under the Protection of Human Subjects, 45 CFR Part 46;
  - b. in response to a court order, but only the genetic information expressly authorized by the court order may be disclosed and the employee must be informed before the disclosure;
  - c. to government officials investigating compliance with GINA;
  - d. to support an employee's compliance with the certification provisions of the FMLA; and
  - e. to a federal, state, or local public health agency only regarding information about the manifestation of a contagious disease that presents an imminent hazard of death or life-threatening illness, and the employee must be notified before the disclosure.



3. The Human Rights Bureau, Department of Labor and Industry, has access to employee personnel records directly related to discrimination complaints.
4. Certain governmental entities have authority under state or federal law to access an employee's personnel record.

### **Section 3.4 Records to Be Kept**

1. Pursuant to Section 49-2-102, MCA, the County will maintain records on age, sex, and race that are required to administer the civil rights laws and regulations. These records are confidential and available only to federal and state personnel legally charged with administering civil rights laws and regulations. However, statistical information compiled from records on age, sex, and race, if any, will be made available to the general public.
2. Pursuant to ARM §24.9.805 Employment Records:
  - a. All personnel records made or kept by the County, including but not necessarily limited to, application forms and other records related to hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation and selection for training or apprenticeship, will be preserved for two (2) years from the date the record is made or from the date of the personnel action involved, whichever occurs later.
  - b. If a discrimination complaint is filed against the County, the County will preserve all personnel records relevant to the complaint until final disposition of the complaint. Personnel records relevant to a complaint include personnel records relating to the complainant and to all other employees holding positions similar to that held or sought by the complainant and application forms or test papers completed by an unsuccessful applicant and all other candidates for the same position.



## Appendix A Request to View/Copy Personnel File

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

Date of Request: \_\_\_\_\_ Work Telephone or Extension: \_\_\_\_\_

Job Title: \_\_\_\_\_ Department/Location: \_\_\_\_\_

1. I, \_\_\_\_\_, request an appointment with the HR department to review my personnel file. The last date I reviewed my file was \_\_\_\_\_ .

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**2. (completed by HR)**

Request Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Appointment Scheduled for: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

File review completed by: \_\_\_\_\_ Date: \_\_\_\_\_

3. Employee comments regarding accuracy of information in this file. (Attach additional pages if necessary)

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

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

HR Representative's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

4. I, \_\_\_\_\_, request a copy of:  
\_\_\_ my personnel file  
\_\_\_ documents in my personnel file listed below

\_\_\_\_\_

I understand any copies from my personnel file I request will cost \$.50 for the first page and \$.25 per page for any additional pages.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Employee Instructions:**

Complete Section 1 of the form if you are asking to review the file and forward to the HR department.  
Complete Section 4 of the form if you are asking for copy of the file and forward to HR department.

**Lake County, Montana  
Employee Operations Manual**

**Chapter 4  
General Employee Conduct  
and Disciplinary Action**





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## CHAPTER 4 – GENERAL EMPLOYEE CONDUCT & DISCIPLINARY ACTION

### Section 4.1 General Employee Conduct

As an integral member of the Lake County (“County”) team, employees are expected to accept certain responsibilities and adhere to acceptable business practices. This not only involves sincere respect for the rights and feelings of others but also demands that employees refrain from any behavior that might reasonably be harmful to self, co-workers, the County, or that might reasonably be viewed unfavorably by the public at large.

Employee conduct reflects on the County. Employees, consequently, are expected to observe the highest standards of professionalism at all times. It is the responsibility of all employees to represent the County to the public in a manner that shall be courteous, efficient, and helpful.

#### 4.11 Inappropriate Employee Conduct

Types of performance, behavior, and conduct the County considers inappropriate and which shall lead to disciplinary action up to and including termination of employment include, but are not be limited to, the following items:

1. Failure to follow the policies and procedures of this Operations Manual.
2. Falsifying employment application(s) or other County records or making false statements.
3. Violating the County’s policies regarding discrimination, harassment, ethics and similar policies.
4. Repeated or excessive tardiness or absence or absences.
5. Use of County employees, equipment, vehicles, supplies, time or facilities for any unauthorized purpose.
6. Use of drugs and/or alcoholic beverages on the job or such use that affects job performance. See Chapter 8 of this Operations Manual.
7. Violating the Drug Free Work Place Act including, but not limited to, testing positive for drug use.
8. Operating County vehicles or equipment while under the influence of alcohol or drugs.
9. Violating the Lake County Drug and Alcohol Testing Policy as adopted October 30, 1995, as amended and as applicable to those employees required to have commercial driver licenses or any other drug and alcohol testing policy adopted by the County.
10. Words and/or actions reasonably interpreted as being intimidating, abusive or coercive toward other County employees, elected officials, or members of the public at large.
11. Fighting or causing or performing violent acts in the workplace.
12. Theft of property from Lake County employees or Lake County.



13. Disregarding safety or security regulations.
14. Willful disobedience of any reasonable order or orders given by an employee's supervisor.
15. Failing to maintain the confidentiality of County information.
16. Failure to perform or fill the requirements of the job in a satisfactory manner.
17. Using offensive conduct, gestures, or language towards the public, County officials, or other County employees.
18. Abusing break times and/or lunch periods.
19. Misrepresenting travel expenses when requesting reimbursement for the same.
20. Failing to possess or maintain a driver's license, commercial driver's license or other license or certification, when the license or certification is necessary for performance of job duties.
21. Failing to operate County equipment safely or in the proper manner.
22. Abuse of County equipment or property.
23. Willful, wanton, or negligent brutality or cruelty to an inmate or resident of a County institution.
24. Absence without leave or failure to report after an authorized leave of absence has expired.
25. Criminal violations that affect the employee's job.
26. Deliberate misrepresentations of hours worked.
27. Unauthorized or improper use of employee data.
28. Conduct on or off the job that creates a conflict of interest, including but not limited to, interests in contracts as set forth at Section 2-2-201, MCA.
29. Interference with other employees in the performance of their jobs.
30. Using official positions and confidential information for personal advantage or gain as set forth at Section 2-2-104, MCA.
31. Accepting or soliciting anything of economic value, such as a gift, gratuity, favor, entertainment, or loan, which appears to influence his/her official conduct.
32. Speaking as a representative of the County unless specifically authorized to do so by job description or specific direction of the Department Head or the Commissioners.

#### **4.12 Personal Visitors**

An employee may receive personal visitors provided that these are kept to a minimum in time and frequency and do not impede the employee or other employees from performing their jobs in an acceptable manner.

#### **4.13 Political Activity**

Employees of a County department which receives federal funds may be prohibited from engaging in certain political activities as provided in 5 U.S.C.S. Sec. 1501 et. seq. (Hatch Act). All public officers and employees are subject to Section 13-35-226, MCA.



#### **4.14 Work Areas**

An employee shall keep his/her workstation in a neat and orderly manner and shall not mar or deface desks, equipment or other surfaces (walls, floors, ceilings) in his/her or other employees' work areas.

#### **4.15 Use of Personal Property**

An employee may, within reasonable bounds, have personal equipment and decorations such as plants, radios, and pictures at his/her workstation, subject to the approval of the Department Head. The County will provide all equipment necessary for the job, such as office machines and tools, and personal items are not encouraged.

#### **4.16 Transportation of Non-County Employees**

Transportation of non-County employees in County owned vehicles requires pre-authorization by the Department Head and Commissioners. Department Heads shall make a written request of the Commissioners at least two (2) business days prior to a travel date(s).

#### **4.17 Children and Pets**

There shall be no babysitting of children or pets allowed in County offices by employees. Minor children are not allowed to wait in the County offices for their parents. This restriction does not apply to a County employee and child covered by the county's breastfeeding policy, as detailed at section 15.67 of this Manual.

#### **4.18 Employee Unions and Associations**

Employees shall have the right to join and hold office in any employee organization, labor union or professional association in which they are eligible for membership, provided that such group is not organized for any illegal purpose or engaged in activities contrary to law, and that membership in such organizations does not create any conflicts of interest. No person in County service shall attempt to prohibit or intimidate any employee from belonging to or holding office in any lawful organization. Membership in such organizations shall not be considered in any personnel action, including promotion, demotion, suspension or termination.

### **Section 4.2 Disciplinary Action**

Violations of the guidelines for employee conduct located in this Manual, or violations of other County, state or federal rules, or any other act, failure to act, or negligence that is injurious to the County, County employees, or the general public, shall result in disciplinary action.



Disciplinary actions may include, but are not limited to: counseling or coaching, oral reprimand, written reprimand or warning notice stating further potential disciplinary consequences, suspension without pay, demotion, or termination.\*

Discipline shall be conducted in accordance with the principles of due process. Progressive discipline may be applied when appropriate; however, specific disciplinary action will be determined by the severity of the misconduct, the employee's disciplinary record, and other relevant criteria.

An employee subject to disciplinary action shall be informed by their Department Head or other individual acting in that capacity of the alleged violations and employer's evidence and the employee shall be allowed to present his/her side of the story and evidence to the Department Head or other individual acting in that capacity prior to the imposition of discipline.

Employees appealing any disciplinary action shall follow the appropriate Complaint Resolution Procedures as specified in Chapter 13 of this manual.

#### **4.21 Involuntary Termination**

If the disciplinary decision is termination, the Department Head or other individual acting in that capacity shall first consult with the Commissioners. If the Commissioners support the decision to terminate, the Department Head or other individual acting in that capacity shall meet with the employee and provide a written notice of termination to the employee. The written termination notice shall set forth the reasons for the termination and the effective date. The Department Head or other individual acting in that capacity shall provide the terminated employee with a copy of the County's Complaint Resolution Procedures (i.e., Chapter 13 of this Operations Manual).

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\* Deputy Sheriffs who have served a one-year probationary period may only be terminated for the reasons specified in Section 7-32-2107, MCA. This section provides that "gross inefficiency in the performance of official duties" is a reason for termination. Violation of county policy can constitute "gross inefficiency in the performance of official duties." *Smith v. Roosevelt County*, 242 Mont. 27 (1990).

**Lake County, Montana  
Employee Operations Manual**

**Chapter 5  
Harassment Prevention**





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## CHAPTER 5 - HARASSMENT PREVENTION POLICY

### Section 5.1 Introduction

It is the goal of Lake County, Montana (“County”) to promote a workplace that is free of harassment, including sexual harassment.

The courts have applied the same principles applicable to sexual harassment issues to all other protected classes of individuals and not just those protected based on gender. Consequently, where the words “sexual harassment” are used throughout this policy they should be understood to include discrimination or harassment based on any class of individuals protected by federal or Montana laws or regulations the County is or becomes subject to.

The County mandates that all employees must adhere to not only the letter of federal or Montana laws or regulations the County is or becomes subject to, but also to the spirit of such laws and regulations. Consequently, actions which do not technically violate the letter of these laws and regulations in a strictly legal sense but are violative of the reasonably intended purposes of such laws and regulations will result in disciplinary action up to and including termination.

Harassment, including sexual harassment, of employees occurring in the workplace or other settings in which employees may find themselves arising out of or in connection with their employment is unlawful and will not be tolerated by the County.

Further, any retaliation against an individual who has complained about harassment, including sexual harassment, or retaliation against individuals for cooperating with an investigation of a sexual or other harassment complaint is similarly unlawful and will not be tolerated.

Because the County takes allegations of sexual and other harassment seriously, it will respond promptly to complaints of sexual and other harassment and where it is determined that such inappropriate conduct has occurred, the County will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth the County’s goals of promoting a workplace that is free of discrimination, sexual and other harassment, the policy shall not be interpreted in any manner that would limit the County’s authority to discipline or take remedial action for workplace or workplace-related conduct which it deems unacceptable, regardless of whether or not that conduct satisfies the legal definition of discrimination, sexual or other harassment.



## Section 5.2 Definition of Sexual Harassment

As defined by government regulation and confirmed by the United States Supreme Court, the legal definition of sexual harassment is this:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

In plain language, a violation of this policy may be predicated on either of two types of sexual harassment, namely (1) harassment that involves the unwelcome conditioning of employment benefits on sexual favors, and (2) harassment that, while not affecting economic benefits, unreasonably creates a hostile or offensive working environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

*Direct or implied requests by a supervisor or manager of any rank within the County for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment is expressly forbidden; and, any violation of this policy will result in significant disciplinary action up to and including termination.*

Regarding the creation of an unreasonably hostile or offensive working environment, the County will also not tolerate abusive conduct\* such as bullying.

\*The County defines abusive conduct as conduct in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to the County's legitimate interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act will not constitute abusive conduct, unless especially severe and egregious.

The legal definition of sexual harassment is broad and in addition to the above examples, other conduct, whether it is intended or not, that would be unwelcome to a



reasonable person and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome to a reasonable person in the same circumstances, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Regularly using sexually vulgar or explicit language in the presence of a person if it is known or should be known the person does not welcome such behavior;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments on an individual's body, comments about an individual's sexual activity, sexual orientation or gender identity;
- Displaying or transmitting by whatever medium sexually suggestive objects, pictures, cartoons if it is known or should be known that the behavior is unwelcome;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Continuing to ask an employee to socialize on or off-duty when that person has indicated she or he is not interested;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities;
- Coerced sexual acts; and
- Cyberbullying. The term "cyberbullying" means willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices that is intended to frighten, harass, cause harm to, extort, or otherwise target another.

Supervisory staff are responsible for assuring that no employee is subjected to conduct that constitutes sexual or any form of harassment.

### **Section 5.3 Complaints of Sexual Harassment**

Any employee that feels that he or she has suffered discrimination, sexual or other forms of harassment has several avenues of redress.

Employees who feel they are victims of harassment, including sexual harassment, should (but are not obligated to) immediately inform the individual that the behavior is



unwelcome and offensive.

If the harassing behavior continues, employees are to immediately contact any of the following sources for assistance: their direct supervisor; the next level manager; the County's Human Resources Officer; or any County Commissioner.

### **Section 5.4 Sexual Harassment Investigation**

The County will take timely action to investigate any and all complaints registered. The investigation will be handled in a manner to maintain, to the fullest extent reasonably possible in the circumstances, the confidentiality of all parties involved.

Following the investigation of the complaint, the County will review the facts and results of the investigation with the appropriate manager or supervisor, and determine how the complaint should be resolved. Once determined, the resolution shall be properly communicated to those employees involved.

### **Section 5.5 Disciplinary Action**

In the event that the allegations are determined to be true, disciplinary action will be taken, taking into account the circumstances, the nature of the conduct and the nature in which it occurred. Disciplinary action may include, but is not limited to, any one or more of the following:

- counseling
- written and/or verbal apology
- verbal warning
- written warning
- demotion
- suspension without pay
- transfer/reassignment
- termination of employment

Employees should not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation.

The County is not obligated to engage in any form of progressive discipline or to engage in disciplinary action in any particular sequence of severity.

### **Section 5.6 Retaliation**

It is unlawful and a direct violation of this policy to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in the investigation of a complaint of sexual harassment or for participating in any hearing related to a complaint of sexual harassment. Any individual who has been found to have engaged in such retaliation will be subject to appropriate sanctions ranging from counseling to termination.

**Lake County, Montana  
Employee Operations Manual**

**Chapter 6  
Workplace Violence**





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## CHAPTER 6 - WORKPLACE VIOLENCE POLICY

### Section 6.1 Purpose

It is the intent of Lake County (“County”) to provide a workplace for County employees that is free from workplace violence.

Committing violent acts, whether on-duty or off-duty, has the potential to impact an employee’s ability to perform their job.

It is intended that all management tools be employed to prevent all acts of workplace violence, reduce the effects of violence on victims, and provide consequences to those who perpetrate violence. It is also intended that management utilize available resources such as the County’s Employee Assistance Program, law enforcement and applicable personnel policies and procedures.

**Section 6.2 Definitions** – The words “workplace violence” as used throughout this policy and for purposes of this Manual include all of the following definitions.

**6.21 Workplace Violence** includes, but is not limited to, intimidation, threats, physical attack, domestic violence or property damage and includes acts of violence committed by County employees, clients, customers, relatives, acquaintances or strangers against County employees in the workplace.

**6.22 Intimidation** is engaging in actions that include but are not limited to stalking or behavior intended to frighten, coerce, or induce duress.

**6.23 Stalking** includes but is not limited to when an individual either:

- (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
- (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

Stalking may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

**6.24 Bullying** (also called: psychological harassment, mobbing, psychological terrorism, and organizational violence) is a collective form of psychological violence in which one or more individuals unite to persecute an individual. Often there is an attack on an



individual's dignity, integrity, self-image, self-confidence, self-esteem, places in doubt the victim's competence, threaten their careers, and means of subsistence through:

- Making Constant Negative Remarks
- Threatening Words or Actions
- Circulating False Information
- Repeated Criticism or Sarcasm
- Making Insinuations About
- Social Isolation
- Constant Intimidation
- Trying to Humiliate
- Denigration

**6.25** *Threat* is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.

**6.26** *Physical Attack* is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

**6.27** *Domestic Violence* is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together or dated.

**6.28** *Property Damage* is intentional damage to property and includes property owned by the County, employees, visitors or vendors.

**6.29** *Sexual Harassment* as used and defined in this Manual.

### **Section 6.3 Prohibited Actions and Sanctions**

It is a violation of this policy to:

- Engage in workplace violence as defined herein;
- Use, possess or threaten to use an unauthorized weapon during a time covered by this policy, and
- Misuse authority vested to any employee of the County in such a way that it violates this policy.

Acts of workplace violence will be grounds for disciplinary action, up to and including dismissal.

An act of off-duty workplace violence may also be grounds for disciplinary action, up to and including dismissal. In these situations, the County must demonstrate that the disciplinary action, suspension or dismissal is supported by the existence of a rational nexus between the type of violent conduct committed and the potential adverse impact



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on a County employee's ability to perform his or her assigned duties and responsibilities.

### **Section 6.4 Complaint Procedure and Reporting**

If you experience or witness workplace violence report it immediately either verbally or in writing to any of the following individuals: County Human Resources Officer; your immediate supervisor; any other manager or supervisor; or a County Commissioner.

All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, customers and strangers. Employees shall place safety as their highest concern, and shall report all acts of violence and threats of violence.

### **Section 6.5 Confidentiality**

To the extent reasonably possible, the confidentiality of anyone reporting workplace violence and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure.

### **Section 6.6 Investigation**

All reports or complaints of workplace violence will be promptly investigated.

### **Section 6.7 Retaliation Prohibited**

The County will not permit any employment-based retaliation against any employee who makes a charge, testifies, assists, or participates in any manner in an action protected by law or this policy.



# **Lake County, Montana Employee Operations Manual**

## **Chapter 7 Smoking**





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## **CHAPTER 7 - SMOKING POLICY**

### **Section 7.1 Enclosed Public Places**

Smoking in enclosed public places is prohibited pursuant to the Montana Clean Indoor Air Act. Enclosed public places include any indoor area, room, or vehicle that the general public is allowed to enter or that serves as a place of work. Section 50-40-104, MCA.

### **Section 7.2 County Owned or Operated Facilities and Vehicles**

In order to protect the public health, safety, and welfare of citizens and employees, smoking tobacco or any other substance or nicotine usage is prohibited in County owned or operated facilities and vehicles.

The use of tobacco and/or nicotine products by on-duty employees outside of County owned or operated facilities and vehicles shall occur at least thirty (30) feet from any part of any County building.

Tobacco and/or nicotine usage is defined as the smoking or use of any tobacco and or nicotine products, including but not limited to cigars, cigarettes, electronic cigarettes, pipes, chewing tobacco, snuff, herbal tobacco products, and other smoking and/or nicotine material.



**Lake County, Montana  
Employee Operations Manual**

**Chapter 8  
Controlled Substances  
and Alcohol Use**





## CHAPTER 8 - CONTROLLED SUBSTANCES AND ALCOHOL USE POLICY

### Section 8.1 Purpose

In accordance with the Federal Drug-Free Workplace Act (41 U.S.C. Chapter 81); Federal Highway Administration (“FHWA”), U.S. Department of Transportation (“DOT”) regulation 49 CFR Part 382; Controlled Substance Act (21 U.S.C. 812); and the Montana Workforce Drug and Alcohol Testing Act (Sections 39-2-205 to 211 MCA) it is Lake County’s intent to establish a policy to maintain a safe and productive work environment for all employees by preventing accidents or other dangerous incidents that may result from drug or alcohol use.

It is the policy of Lake County that no employee will be allowed to perform job duties of any nature or type when impaired or under the influence of mind altering drugs, illegal drugs, misuse of prescription drugs, and/or alcohol during working hours.

The Montana Workforce Drug and Alcohol Testing Act regulates drug and alcohol testing of job applicants and employees. The Montana law addresses only safety-sensitive employees and applicants for safety-sensitive employment; however, this Lake County Controlled Substances and Alcohol Use Policy applies to all employees irrespective of their status, position, or job duties.

### Section 8.2 Definitions

For purposes of this policy the following definitions will apply:

- *Safety-sensitive employment.* The performance, supervision, or management of work in a hazardous work environment, security position, position affecting public safety, or fiduciary position for an employer is informally referred to as “safety-sensitive employment.”
- *Hazardous work environment.* “Hazardous work environment” includes positions for which controlled substance and alcohol testing is mandated by federal law, jobs involving the operation of or work in proximity to construction equipment, industrial machinery, or mining activities, or jobs that involve handling or proximity to flammable materials, explosives, toxic chemicals, or similar substances.
- A *safety-sensitive function* is defined in 49 CFR Part 382.108 as any of those on duty functions set forth in 49 CFR Part 392.2. On-Duty Time, paragraphs (1) through (8), and in 49 CFR 653.8 and 654.8.
- *Reasonable Suspicion.* The broad-based terms “reasonable suspicion” describe a set of circumstances that indicate a reason to conduct an investigation or assessment of an employee's fitness for duty, or to explore possible explanations for an employee's conduct, actions or appearance. The suspicion is based on observations of the individual employee. It is not a generalized belief (e.g., “gut feeling” “hunch”), nor is it “probable cause”. Reasonable suspicion is a reasoned



conclusion of possible drug or alcohol abuse drawn from objective observations of the individual. Reasonable suspicion is:

- based on observations of an individual
- based on objective, documented criteria
- a reasoned conclusion drawn by an individual based on objective, articulable criteria
- used to rule out or eliminate alcohol or drug use as a cause of the individual's behavior or appearance
- not a diagnostic tool

Reasonable suspicion testing determinations will be based on a supervisor's specific, contemporaneous, articulable observations of an employee's behavior, appearance, speech or body odors associated with alcohol or controlled substance use.

### **Section 8.3 Commercial Motor Vehicle Operators and Others Performing Safety-Sensitive Functions**

49 CFR Part 382 mandates urine controlled substance abuse testing and breathalyzer alcohol testing for commercial motor vehicle operators and others performing safety-sensitive functions and performance of safety-sensitive functions when there is a positive test result.

Employees are entitled, upon written request, to copies of any records pertaining to the covered employee's use of prohibited drugs, including any reports pertaining to his/her drug tests. Access shall not be contingent upon payment for records other than those specifically requested.

Employees will be provided training concerning the effects of alcohol and controlled substances on an employee's health, work, and personal life; signs and symptoms of a problem; and rehabilitation.

In addition, all supervisors will receive training on alcohol misuse and controlled substances.

This policy applies to all employees who supervise operations and those employees who operate, dispatch or maintain a commercial motor vehicle as part of their job duties for Lake County and those who are subject to the commercial driver's license requirements. Participation in this prohibited substance testing program is a condition of employment for those to whom it applies, including:

- Lake County Road and Bridge truck drivers, operators, mechanics and supervisors of the truck drivers, operators and mechanics.



- Lake County Solid Waste truck drivers, operators, mechanics and supervisors of the truck drivers, operators and mechanics.

Prohibited substances addressed by this policy include the following:

- a) Illegal drug or substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), also found in Appendix D of the Federal Motor Carrier Safety Regulations, including but not limited to: marijuana, amphetamines, opiates, phencyclidine (“PCP”), and cocaine as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.
- b) Illegally used drugs include misused legally prescribed drugs and illegally obtained prescription drugs.
- c) Alcohol includes beverages or substances containing alcohol, including any medication, the use of which results in alcohol being present in the body. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device (“EBT”).

Legally prescribed drugs and non-prescription medicals are legal drugs which are not prohibited substances. However, the use of any substance which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought, as appropriate, before performing a safety-sensitive function.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient’s name, the name of the substance, dosage, and the period of authorization. The misuse or abuse of legal drugs while performing a safety-sensitive function is prohibited.

### **8.31 Positive Alcohol Test**

An alcohol concentration of 0.04 or greater will be considered a positive alcohol test in violation of this policy.

### **8.32 Positive Drug Test**

A drug test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum threshold defined in 49 CFR Part 40.

If you have questions regarding this policy, contact Human Resources.



### 8.33 Medical Review Officer (MRO)

The Medical Review Officer shall be provided by the company with whom the County contracts to provide testing services. He/she shall be a medical doctor authorized to practice medicine in the state of his/her residence. He/she shall follow federal regulation requirements regarding record and specimen storage.

The MRO shall review all test results. The MRO shall inform the employee of any test results and provide the employee the opportunity to discuss those results. The MRO shall verify all laboratory-confirmed results. The MRO shall inform the employee that the employee's request for a retest must be made within eighty-two (82) hours of notice of the initial test result. The MRO shall, at the request of the employee who requests a second test on the split sample, review the results of the second test to determine whether the positive result is confirmed.

The MRO shall determine that a test is canceled when, i) a sample is rejected for testing by the laboratory, ii) when a test of the split specimen is unavailable, inadequate or untestable. The MRO shall report any canceled test to the DOT, the employer and the employee.

The MRO reports that the specimen is "negative dilute" AND requires a repeat observed collection, then the Designated Employer Representative ("DER") will contact the employee, who will be instructed not to drink any fluids and report for testing as soon as possible. The collector and the employee will be notified that an observed collection will be done.

If the MRO reports that the specimen is "negative dilute" but does not require a repeat observed collection, then the DER will contact the employee, who will then be instructed to not drink any fluids and report for testing as soon as possible. The collection and the employee will be notified that a non-observed collection will be done.

If the employee cannot report to the collection site within a reasonable time (to be determined by DER) then it will be considered a "refusal to test."

### 8.34 Prohibited Conduct

Any employee engaging in the manufacture, distribution, possession or use of prohibited substances on County premises, in County vehicles, or while on County business will be subject to disciplinary action, up to and including termination of



employment. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

### **8.35 Intoxication/Under the Influence**

Any employee performing, about to perform, or who has just completed performing a safety-sensitive function, who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees who test positive after a drug or alcohol test, or who refuse to test, shall be removed from duty.

No subject employee should report for duty, or remain on duty to perform a safety-sensitive function when his/her blood alcohol concentration is 0.02 or greater. No employee shall use alcohol while performing a safety-sensitive function.

### **8.36 Compliance with Testing Requirements**

All employees who perform a safety-sensitive function will be subject to urine drug testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, dilution, adulteration, or substitution shall be removed from duty immediately, and subject to disciplinary action, up to and including termination of employment. Refusal can include an inability to provide adequate specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or the failure to arrive at the testing facility in a timely manner, resulting in the inability to conduct the test.

In the event that a sample is contaminated to the extent that the County's contractor is unable to complete a test on the sample and is unable to identify the contamination, the employee shall be required to produce a second sample. The employee shall be presumed to have contaminated the samples if the second sample cannot be tested successfully unless the employee produces medical or scientific evidence demonstrating that he/she did not contaminate the samples. Under County policy, the cost of producing such evidence shall be borne by the employee; provided, however, that in the event that the evidence demonstrates that the employee did not contaminate the samples, the County will reimburse the employee the reasonable cost for producing the evidence.

### **8.37 Testing for Prohibited Substances**



Analytical urine drug testing and breath testing for alcohol shall be conducted as required by Federal regulations. The County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (“DHHS”). Lake County has, and will continue, to contract with private entities to provide services by entities approved by DHHS to test samples and to provide to an MRO. The company shall follow federal regulation requirements regarding record and specimen storage. Lake County, has also, and will continue, to contract with a medical facility in Lake County to collect all samples used in the testing program. The local contractor will require use of federal urine and breath test forms.

The contracts will provide that all collection and testing will be conducted consistent with the procedures set forth in 49 CFR Part 40.

### **8.38 Drug Testing**

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

### **8.39 Alcohol Testing**

Tests for alcohol concentrations will be conducted utilizing a National Highway Traffic Safety Administration (“NHTSA”) approved evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”). Employees are subject to alcohol testing just prior to performing, while performing, or immediately following performance of a safety-sensitive function. If an initial alcohol test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test.

### **8.310 Positive Test Results – Disciplinary Action**

An employee who has a confirmed positive drug test or a confirmed alcohol concentration of 0.04 or greater shall be subject to disciplinary action up to and including termination of employment. The employee will be informed of the requirement to be evaluated by a Substance Abuse Professional (“SAP”).



An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from duty (performing a safety-sensitive function) for a minimum of twenty-four (24) hours. Under County policy, the employee will be given an unpaid leave of absence status during the twenty-four (24) hour period; however, the employee may elect to use accrued vacation time. The employee will receive a letter of concern regarding the ramifications of testing over 0.02 alcohol concentration level and will be advised of educational and rehabilitation programs available.

### **8.311 County Discipline Policy**

An employee who violates the policy (e.g. refuses or fails to take a test, refuses evaluation) will be considered to have tested positive.

### **8.312 Return-to-Duty-Testing**

Before returning to duty after testing positive for drugs or after violating other prohibitions related to controlled substances, the employee must pass a Return-to-Duty test. Such test cannot be administered until Lake County has received verification from the SAP that the employee has complied with the recommendations.

### **8.313 Follow-up Testing**

Lake County is required to monitor an employee who has returned to duty by giving unannounced drug tests for not more than sixty (60) months after the employee has returned to duty. The follow-up testing will be completed as recommended by the SAP.

The employee shall be subject to at least six (6) unannounced follow-up tests during the first twelve (12) months following his/her return to duty. The SAP may terminate the requirement for follow-up testing at any time after the initial six (6) tests have been completed should the SAP make the determination that such testing is no longer warranted.

### **8.314 Types of Testing**

#### *Pre-Employment Testing (Post Job Offer)*

All applicants for positions which require supervision of safety-sensitive functions and positions which require performance of safety-sensitive functions may undergo urine drug testing prior to employment. Receipt by the County of a negative test result is required prior to employment and a positive drug test will disqualify an applicant for employment.



All applicants for Commercial Motor Vehicle Operators positions shall undergo urine drug testing prior to employment. Receipt by the County of a negative test result is required prior to employment and a positive drug test will disqualify an applicant for employment.

All applicants for positions other than Commercial Motor Vehicle Operators which require supervision of safety-sensitive functions, and positions that require performance of safety-sensitive functions, may be asked to undergo urine drug testing prior to employment. Receipt by the County of a negative test result would then be required prior to employment and a positive drug test would disqualify an applicant for employment.

### *Reasonable Suspicion Testing*

- a. All employees who supervise or perform a safety-sensitive function may be subject to fitness for duty evaluation to include appropriate urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the long-or-short term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following: Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- b. Physical signs and symptoms consistent with prohibited substance use.
- c. Evidence of the manufacture, distribution, dispensing, possession or use of controlled substances, drugs, alcohol or other prohibited substances.
- d. Occurrence of a serious or potentially serious accident that may have been caused by human error.
- e. Fights (to mean physical contact), assaults and flagrant disregard or violation of established safety, security, or other operating procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

### *Post-Accident Testing*

Employees will be required to undergo urine and breath testing if they are involved in commercial motor vehicle accident that results in a fatality so long as the employee is able to give consent. Testing will include the driver of any vehicle involved in fatal accident and other covered employees whose performance could have contributed to the accident.



In addition, a post-accident test will be conducted if a commercial motor vehicle accident results in a citation that has been issued to a County driver; and 1) it results in injuries to any individual involved requiring immediate medical treatment away from the scene; or 2) one or more vehicles incur disabling damage that requires towing from the scene. Testing will include the driver of any vehicle involved in an accident.

### *Time of Testing*

When required following a commercial motor vehicle accident, the employee will be tested within two (2) hours if possible; if a specimen is not obtained within two (2) hours, a report shall be filed as to why collection of the specimen was not possible and efforts to obtain a specimen will continue for thirty-two (32) hours for drugs and eight (8) hours for alcohol. If a specimen is not obtained within the specified time, the attempt to collect a specimen will cease and the report as to why collection of a specimen was not possible will be updated. An employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.

- *Leaving the Scene of an Accident*

Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test.

### *Random Testing*

Employees who supervise or perform safety-sensitive functions will be subjected to random, unannounced testing. Fifty (50) percent of the total number of employees subject to random tests shall be tested each year for drugs and ten (10) percent of the total number of employees subject to random tests shall be tested each year for alcohol. One-eighth (1/8) of the total test population shall be randomly selected during each quarter of the calendar year. Employees will be selected for testing by a scientifically valid random method selected by the company with whom the County contracts to provide testing services. Employees selected for random testing during one quarter will be included in the population for the next quarterly random selection and thus, each covered employee will have an equal chance of being tested each time selections are made.

In order that a sufficient number of employees is tested each calendar year, the department head must provide the DER an add/drop list each time an employee is added to or dropped from the selection list.



In the event that an insufficient number have been tested at the end of the year, a new list will be randomly drawn from the entire pool and those drawn will be tested.

### *Employee Requested Testing*

Any employee who questions the result of a required drug test may request that an additional test be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for testing are paid by the employee unless the second test invalidates the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR, Part 40. The employee's request for a retest must be made to the MRO within eighty-two (82) hours of notice of the initial test rules. Requests after eighty-two (82) hours will only be accepted if the delay was due to documented facts beyond the control of the employee.

All employees are encouraged to make use of the available resources for treatment of alcohol and substance abuse problems. The County has an Employee Assistance Program available to employees. Under certain circumstances employees may be required to undergo treatment for substance abuse.

An employee who is discharged for violation of Lake County's Drug Safe Workplace Policy may apply for employment with Lake County one (1) year after his/her termination date if he/she provides the following:

- a. A written evaluation from a Certified Chemical Dependency Counselor verifying that he/she has been assessed and successfully completed all recommended treatment plans/programs.
- b. Verification that the Chemical Dependency Counselor and/or Treatment Center have been recognized by the state as a Certified Chemical Dependency Counselor/Program.

An applicant who successfully completed the above requirements may be considered for re-employment based on his/her experience and qualifications for the position of hire.

The Drug Free Workplace Act of 1988 requires all employees to notify his/her supervisor in writing of any conviction under a criminal drug statute violations occurring on County property within five (5) days of conviction. Supervisors are responsible for notifying Human Resources in writing immediately upon receiving notice of violation from an employee. Failure to report such conviction will result in disciplinary action up to and including discharge.



## **Section 8.4 All Employees in Safety-Sensitive Employment and/or Working in Hazardous Work Environments**

### **8.41 Pre-Employment Testing (Post Job Offer)**

All applicants for positions involving Safety-Sensitive Employment and/or Working in Hazardous Work Environments shall undergo urine drug testing prior to employment. Receipt by the County of a negative test result is required prior to employment and a positive drug test will disqualify an applicant for employment.

### **8.42 Reasonable Suspicion Testing**

- a. All employees involved in Safety-Sensitive Employment and/or Working in Hazardous Work Environments may be subject to fitness for duty evaluation to include appropriate urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the long-or-short term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:
- documentation of unsatisfactory work performance or on-the-job behavior.
  - Physical signs and symptoms consistent with prohibited substance use.
  - Evidence of the manufacture, distribution, dispensing, possession or use of controlled substances, drugs, alcohol or other prohibited substances.
  - Occurrence of a serious or potentially serious accident that may have been caused by human error.
  - Fights (to mean physical contact), assaults and flagrant disregard or violation of established safety, security, or other operating procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

## **Section 8.5 All Employees**

All employees, irrespective of job status, position, or duties are subject to reasonable suspicion urine drug testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, dilution, adulteration, or substitution shall be removed from duty immediately, and subject to disciplinary action, up to and including termination of employment. Refusal can include an inability to provide adequate specimen or breath sample without a valid medical explanation, as



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well as a verbal declaration, obstructive behavior, or the failure to arrive at the testing facility in a timely manner, resulting in the inability to conduct the test.

In the event that a sample is contaminated to the extent that the County's contractor is unable to complete a test on the sample and is unable to identify the contamination, the employee shall be required to produce a second sample. The employee shall be presumed to have contaminated the samples if the second sample cannot be tested successfully unless the employee produces medical or scientific evidence demonstrating that he/she did not contaminate the samples. Under County policy, the cost of producing such evidence shall be borne by the employee; provided, however, that in the event that the evidence demonstrates that the employee did not contaminate the samples, the County will reimburse the employee the reasonable cost for producing the evidence.



**Lake County, Montana  
Employee Operations Manual**

**Chapter 9  
Personal Appearance  
and Hygiene**





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## CHAPTER 9 – PERSONAL APPEARANCE AND HYGIENE

### Section 9.1 Policy

Lake County, Montana (“County”) expects all employees to present a neat and professional appearance at all times during work hours. It is the policy of the County that employee attire during work hours and work related activities shall be appropriate to the duties of the position, to the safety of the employee and other individuals, and to the probability of public contact.

### Section 9.2 Choice of Dress

The choice of dress is personal to an employee, but the employee’s supervisor will have the final decision on whether the attire is appropriate for the work environment. Department Heads are responsible for ensuring that each employee under his/her supervision is aware of this personal appearance and hygiene policy, its contents, and that he/she must abide by the terms of the policy as a condition of employment as well as the consequences of violation of the policy.

Employees must wear acceptable work attire during scheduled work hours and work related activities. Employees required to wear specific uniform or designated safety equipment shall do so in accordance within the policies of their individual departments.

The following attire is considered unacceptable for all employees during work hours:

- Items that are worn, ripped, frayed, torn or unkempt
- Items containing obscene, profane, discriminatory, provocative or inflammatory words or pictures
- Items advertising alcoholic beverages, drugs, drug paraphernalia or tobacco products
- See-through garments, halter tops, bare midriff/back tops, tank tops/muscle shirts, low-cut blouses and pants
- Pool/beach attire

The above list is illustrative only and is not meant to be limiting of what may be considered to be unacceptable attire.

### Section 9.3 Hygiene

- County employees are expected to meet personal hygiene requirements during regular business hours for the duration of their employment by adhering to the following and similar work rules:
  - a) Maintain personal cleanliness by, for example, bathing daily.
  - b) Maintain oral hygiene and reduce halitosis by, for example, daily brushing of teeth.



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- c) Minimize body odors by, for example, using deodorant / anti-perspirants.
  - d) Do not wear or apply heavily scented perfumes, colognes and lotions. These can cause allergic reactions, migraines and respiratory difficulty for some employees.
  - e) Clean and trim fingernails.
  - f) Wash hands after eating or using the restrooms. This is a not an instructive example. Washing hands after eating or using restrooms is a mandatory work rule.
  - g) Do not come to work in clothing or footwear that is not clean, in bad repair or is malodorous. This is a not an instructive example. Coming to work in clothing and footwear that is clean and not malodorous is a mandatory work rule.

**Lake County, Montana  
Employee Operations Manual**

**Chapter 10  
Anti-Fraud and Ethics**





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## CHAPTER 10 - ANTI-FRAUD AND ETHICS POLICY

### Section 10.1 Fraud

This anti-fraud policy is implemented to make employees aware of activities which may be fraudulent, illegal, or otherwise unethical. Lake County, Montana ("County") will not tolerate such activities, and disciplinary measures will be implemented as appropriate.

#### 10.11 Scope

This policy applies to any fraud, or suspected fraud, involving employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties with a business relationship with the County.

#### 10.12 Policy

- a. Fraud and fraudulent activity is strictly prohibited.
- b. Each employee or agent of the County shall be responsible for reporting any observed or suspected fraud or fraudulent activity to the County Human Resources Officer or the County Attorney's Office.
- c. The obligation to report fraud includes instances when the employee knew or should have known that an incident of fraud had occurred.
- d. All supervisors and Department Heads shall be vigilant for any conduct that appears to constitute fraud within the areas of their responsibility.

#### 10.13 Fraud – Definitions

- 1) Fraud is defined as the intentional misrepresentation or concealment of a known fact whether by words, conduct, or misleading allegations, in order to personally benefit, or to gain a wrongful advantage over another, or induce or deceive another to act to his/her detriment. This includes concealment of facts or information that should have been disclosed and was intended to deceive another to his/her detriment.
- 2) Intentional actions constituting fraud include, but are not limited to the following:
  - A. falsifying, unauthorized altering, or forging County documents, including but not limited to the following:
    1. claims for payments or reimbursements, which would include, but not be limited to, submitting false claims for travel or overtime;
    2. absence or leave forms, an example of which would be reporting falsely an absence as a sick day or failing to report an absence;
    3. files, either in electronic or printed format, photographic records or audio records that are maintained by the County, or accounts belonging to the County;
    4. a check, bank draft, wire transfer, or any other County financial document;
    5. student records that are maintained in either electronic or printed formats;



6. maintenance records that are maintained in either electronic or printed formats;
7. fire, health, sanitation, and safety reports that are maintained in either electronic or printed formats;
8. misappropriating funds, supplies, or other assets of the County;
9. handling or reporting money or financial transactions in an improper or illegal manner;
10. disclosing, either directly or indirectly, confidential and proprietary information to outside parties for personal gain;
11. disclosing to other persons the purchasing/bidding activities engaged in or contemplated by the County so that any entity, person, or business has an unfair advantage in the purchasing/bid process;
12. causing the County to pay excessive prices or fees where justification is not documented;
13. accepting or offering a bribe, gifts, or other favors under circumstances that indicate that the bribe, gift, or favor was intended to influence a decision that was, or needed to be, made;
14. removing, destroying, or using for personal gain records, furniture, fixtures and/or equipment;
15. using State or Federal funds for other than their designated and approved purposes;
16. using County equipment or work time for any outside private business activity;  
or
17. making false statements (e.g., during an investigation). False representations of a present or past fact by any means calculated to deceive including statements, suppression of the truth by silence, or by look or gesture.

This list is meant to illustrate the types of activities that are prohibited, and is not intended to be all-inclusive. Other misconduct of a similar nature is prohibited.

#### **10.14 Investigation**

- 1) If the allegation of fraudulent misconduct involves a County employee, the County Commissioners (“Commissioners”) shall assign, as needed, an appropriate investigator. If the results of the investigation cause the Commissioners to determine that the allegations appear to involve criminal misconduct, the matter will be referred to the County Sheriff’s Office or another appropriate law enforcement agency.
- 2) Any investigation conducted pursuant to this policy shall be conducted without regard for the length of service, position/title, or relationship of the individual who is alleged to have committed or concealed fraud.

#### **10.15 Confidentiality**

- 1) The County will maintain confidentiality with regard to the reports of suspected misconduct and the investigation to the extent consistent with the conduct of an



appropriate investigation and the County's obligations under the Freedom of Information Act. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

- 2) Except as authorized by the Commissioners or their designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other County employees or officials, vendors, or contractors. Such discussions may interfere with the investigation and may result in disciplinary action. Further, because of the nature of the alleged misconduct, unsubstantiated allegations that are not privileged could harm an innocent individual's reputation and result in potential civil liability.

### **10.16 Non-Retaliation**

- 1) Those who, in good faith, report suspected fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct to the attention of the County.
- 2) Additionally, individuals who knowingly make a false report of suspected fraud or fraudulent activity shall be subject to disciplinary action up to and including termination of employment.

### **Section 10.2 Workers' Compensation Fraud**

- 1) Any employee who suspects Workers' Compensation fraud should notify his or her supervisor or the Human Resources Officer immediately. Supervisors who receive information about suspected Workers' Compensation fraud must report that information to the County Human Resources Officer.
- 2) Examples of Workers' Compensation fraud include, but are not limited to:
  - Making a false or misleading statement to receive workers' compensation benefits (Example: reporting an injury that does not exist)
  - Misrepresenting or concealing a material fact to receive workers' compensation benefits (Example: reporting an off-duty injury as a work-related injury)
  - Fabricating, altering, concealing or destroying a document to receive workers' compensation benefits (Example: withholding a doctor's release to return to work form)
  - Conspiring to commit an act described above (Example: helping another employee stage or fake a work-related injury)

The County Human Resources Officer may investigate any allegations of Workers' Compensation fraud. For this purpose, the County Human Resources Officer will have access to all County activities, records, property and personnel required to investigate the alleged fraud on a "need to know" basis, as determined by the Commissioners, and subject to applicable law.



## Section 10.3 Ethics

### 10.31 Ethical Standards

All employees of the County are expected to observe the highest standards of ethics and integrity in their conduct. This means following a basic code of ethical business behavior, which includes:

- Serving the general public is the primary reason for the existence of county government.
- When any reasonable request for assistance is made by a member of the public County employees will respond positively and see the problem through to its completion. If unable to provide requested assistance immediately we, the County, will inform the general public when we will be able to grant their request, (if it is to be granted) keep them apprised of progress and adhere to that commitment.
- Employees, while on duty or representing the County in an official capacity, are expected to follow the policies of Department Heads and Commissioners and in the case of the general public will present the County's position in a positive manner. Any employee observing an unprofessional approach to the general public or observing an employee misrepresenting the County employee policies or procedures shall report the incident to their immediate supervisor or other supervisor in their management chain for proper action.
- Complying with the letter and spirit of all applicable federal, Montana state, County, and local laws, codes and ordinances.
- Faithfully carrying-out County policies, rules, regulations, and contracts.
- Dealing honestly, fairly and compassionately with the general public, co-workers, and elected officials.
- Respecting the County's ownership of all County equipment, supplies, books, records, and proprietary information.
- Preserving the confidentiality of County records classified as confidential.
- Understanding that books and records are County property and that it is against County policy to remove them except in the course of doing their job and with the permission of their Department Head.
- Declining any gifts, gratuities, or payments offered by anyone with whom County does business without the approval of the County Commissioners. This includes offers of free service, travel, merchandise, etc. Borrowing from such sources (except banks or where credit is extended as a general practice to the public) is absolutely prohibited. Only token gifts, including imprinted pens, or calendars and unsolicited gifts worth less than \$25.00, may be accepted without the authorization of the employee's Department Head.
- Disclosing any outside financial interests that might influence an employee's decisions or actions on the job, including interests in suppliers, or clients. Employees should not acquire such interests except for publicly traded securities in which the employee owns less than a one-percent interest.



- Not accepting any outside employment with a supplier or any other employment that could interfere with responsibilities to County. Employment with any person or business that has dealings with County must be approved by the Department Head in writing, including the acceptance of directorships, honoraria for speeches, or consulting fees.
- Not, directly or indirectly, maintaining a business outside the normal hours of duty if such business interferes with the employee's ability to perform his or her job, or if such business creates a conflict of interest.
- Not using information or authority derived from employment with the County for personal gain.
- Alerting the employee's Department Head or the Commissioners as soon as possible to any situations regarding the employee, public or nonpublic information that may reflect negatively or positively on the County. Any unusual requests from anyone which are beyond the scope of the employee's normal job responsibilities or which seem inappropriate to the employee should be referred to his/her Department Head or the Commissioners as soon as possible.

Employees who have questions about how this code of business ethics applies in particular situations should discuss the exact circumstances with his/her Department Head. Each situation disclosed will be considered on its merits.

#### **Section 10.4 Honorariums/Gratuities**

- 1) All honorariums received by employees over \$25.00 in value as a result of their work with the County without the express permission of the Commissioners will become the property of the County.
- 2) Department Heads may receive and retain stipends and honorariums for their work on boards as a result of their positions with the County provided the Commissioners and the public are apprised.
- 3) No employee may accept any gifts, gratuities, meals, tickets, etc. from any individual doing business with County without the express approval of their Department Head. Employees must bring to the attention of the County Commissioners any deviations from this policy.
- 4) County personnel responsible for ordering supplies or equipment must be responsive to getting the best price on orders.
  - Any incidental gifts or gratuities that come as a result of those orders must be used for the benefit of County and not for personal use of the employee.
  - Conflicts of interest may arise from acceptance of these gifts or gratuities and County must be aware of any benefits coming from suppliers of County.
  - Nominal value gratuities that are received may be given away at County events where multi-department personnel are present.
  - Gratuities of substantial value must be turned back for cash discounts to be used by County or refused. Companies doing business must be made aware of this policy.



- No employee may take or use for their personal use any (new or used) property donated for the benefit of County.

Department Heads may choose to allow **NO** gratuities for sensitive positions.

### **Section 10.5 Moonlighting**

- 1) Moonlighting, the practice of working a second job for another employer in addition to working for the County, is allowed; however, work requirements including County overtime must have precedence over any outside work. If a conflict should arise between outside employment and County requirements including overtime work, County requirements must take precedence.
- 2) If the employee is unable to maintain a high work performance standard, the employee will be subject to disciplinary action.
- 3) Outside employment may not result in a conflict of interest with the County. Employees may not engage in outside employment in the sale of products or services or like products or services offered by the County.
- 4) Polson City workers or County workers with shared duties may only be on the payroll of the City or the County, not both, unless approved by the County Commissioners and the City of Polson. This subsection 10.5 shall also apply to employment with cities, towns, and other municipalities or unincorporated areas (such as Arlee, Charlo, Pablo, Woods Bay, Elmo, Big Arm, Dayton, Rollins, Swan Lake, Finley Point, and Ravalli).
- 5) It is not acceptable to use sick leave with the County and report to a second job on the same day.

### **Section 10.6 Conflicts of Interest**

- 1) County employees shall not engage in any activities, have any personal or financial interest, or have any other relationship that conflicts with their duties for the County or which might impair, or appear to impair, their independence of judgment.
- 2) It is not feasible to describe in a policy statement all the situations, which might create conflicts of interest. However, County employee policies in many areas are presented below.
  - Employees shall not use their business position for personal gain, or take advantage of any business opportunities, which might be of interest to the County.
  - Employees are forbidden to use inside information for personal profit, or to disclose any confidential information to outsiders.
  - Employees shall not have any transactions with the County, which would create a conflict of interest situation.
  - Employees may not accept lavish entertainment or any gifts of more than \$25.00 in value.
  - Employees shall not have a financial interest in suppliers, general public, and competing companies, or any enterprise to which financing accommodations are,



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or may be extended by the County which would affect or appear to affect their decisions or actions except when their financial interest is limited to less than 1% of a publicly held company.

- Employees shall not borrow from or lend to general public or suppliers.
- Employees shall not accept outside employment, which would create a conflict of interest.
- Employees shall not engage in outside activities, which adversely affect working efficiency.
- Employees are forbidden to accept or offer any unauthorized or illegal payment of any sort in connection with work for the County or engage in any illegal activity of any kind in connection with work for the County.
- Employees shall not engage in any outside business with any company that is a supplier, general public, competitor, or that is in any way related to the County.
- Employees shall not serve on the board of companies, which are suppliers, general public or competitors of or to the County.
- Employees shall, to the maximum extent possible, submit to their supervisor any situation involving a potential conflict of interest prior to the occurrence of the conflict.
- Any exceptions or matters requiring disclosure must be fully disclosed to the County and the employee's Department Head.



**Lake County, Montana**  
**Employee Operations Manual**

**Chapter 11**  
**Personal Telephone Calls and**  
**Personal Communication Devices**





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## **CHAPTER 11 - PERSONAL TELEPHONE CALLS AND PERSONAL COMMUNICATION DEVICES**

### **Section 11.1 Personal Telephone Calls Using County Telecommunication Systems**

Lake County, Montana (“County”) provided telephonic devices by whatever name or description (“phones” or “telecommunications equipment”) are to be used for County business and may be used for personal business on a limited basis only. The use of telecommunications equipment for essential personal business (e.g., calls to children, teachers, doctors, daycare centers, and family members to inform them of unexpected schedule changes and other essential business) must be kept to a minimum, and not interfere with conducting County business.

In the event an employee has to make an essential long distance, cellular phone call or text messaging (using a County-provided cell phone), the call must be collect, charged to a third-party number, or charged to a personal credit card, or the employee must make arrangements to reimburse the County for any charges. It is the employee’s responsibility to ensure that no cost to the County results from personal phone calls.

#### **11.11 Personal Communication Devices**

##### **11.111 Department Policies**

Each County department may create its own restrictions and/or policy for personal communication devices. In the absence of a specific department guideline regarding personal communications devices, Subsection 11.112 of this Manual will apply.

##### **11.112 Personal Communication Devices Generally**

The use of personal communication devices such as cell phones, smart phones, tablets, PDA devices, etc., to communicate, Email, text, or interact with personal social media sites (e.g., Facebook, Twitter, etc.) during work hours is prohibited. The use of cell phones for essential personal business (e.g., calls to children, teachers, doctors, daycare centers, and family members to inform them of unexpected schedule changes and other essential business) must be kept to a minimum, and not interfere with conducting County business. Personal communication devices such as cell phones may be used for the purposes of conducting County business if necessary.

All personal communication devices must have any tones inaudible to other employees and members of the public. Employees whose jobs require public interaction are not permitted to use a personal communication device while interacting with and servicing members of the public unless such use is compelled by circumstances directly related to interacting with and servicing members of the public.



Utilizing a computer or personal device that connects with the Internet to visit an offensive site or inappropriate material during work hours or break periods is prohibited and subject to disciplinary action. This prohibition includes sexually explicit or offensive messages or images, cartoons or jokes, ethnic or religious slurs, racial epithets, or any other statement or image that might be construed as harassment or disparagement on the basis of race, color, religion, sex, national origin, age, disability, marital status or any other status protected by federal or Montana state law or County policies.

In order to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rule regarding the safeguarding of personal health information, County employees must refrain from the use of Instant Messaging, cell phones, texting, unprotected Email, or any other unsecured communication (e.g., unsecured Bluetooth interfaces or unsecured Internet conferencing) to transmit personal health information regarding County employees or citizens.

Nothing in this policy should be construed as prohibiting an employee's right to engage in concerted activity or to discuss the terms and conditions of their work as permitted by the Montana Collective Bargaining for Public Employees Act ("MCBPEA") set forth in Section 39-31, MCA.

## **Section 11.2 Prohibition Against the Use of Hand-Held Mobile Telephones**

*Prohibition.* In order to protect County employees and the public in general from instances of distracted driving, and in accordance with Federal Motor Carrier Safety Regulations, ARM 2.6.210, and policy as set by the Commissioners, while driving a County motor vehicle or driving their private motor vehicle on County business, no County employee may engage in the use of a hand-held mobile telephone while driving.

### **11.21 Definitions Used in This Section**

**11.211** *Mobile telephone* means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 CFR 20.3. It does not include two-way or Citizens Band Radio services.

**11.212** *Use a hand-held mobile telephone* means:

- (1) Using at least one hand to hold a mobile telephone to conduct a voice communication;
- (2) Dialing or answering a mobile telephone by pressing more than a single button, or
- (3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt adjusted in accordance with the vehicle manufacturer's instructions.



**11.213** For the purpose of this Section only, *driving* means operating a County motor vehicle or operating a private motor vehicle on County business on a highway, street or road, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a motor vehicle when the driver has moved the vehicle to the side of, or off, a street, highway or road and has halted in a location where the vehicle can safely remain stationary.

**11.22** *Emergency Exception.* Using a hand-held mobile telephone is permissible by drivers when necessary to communicate with law enforcement officials or other emergency services.

**11.23** *Law Enforcement and Emergency Response Personnel Exception.* The prohibitions in this Section do not apply to law enforcement and emergency response personnel while performing their official duties.

### **Section 11.3 Prohibition Against Texting**

**11.31** Prohibition. No driver shall engage in texting while driving.

#### **11.32** Definitions used in this Section

**11.321** For the purpose of this Section only, driving means operating a County motor vehicle or operating a private motor vehicle on County business, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a street, highway or road and has halted in a location where the vehicle can safely remain stationary.

**11.322** *Texting* means manually entering alphanumeric text into, or reading text from, an electronic device.

- (1) This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a World Wide Web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication.
- (2) Texting does not include:
  - (i) Inputting, selecting, or reading information on a global positioning system or navigation system; or
  - (ii) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or



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(iii) Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in this part.

**11.323 *Emergency exception.*** Texting while driving is permissible by drivers when necessary to communicate with law enforcement officials or other emergency services.

**11.324 *Law Enforcement and Emergency Response Personnel Exception.*** The prohibitions in this Section do not apply to law enforcement and emergency response personnel while performing their official duties.

**Lake County, Montana  
Employee Operations Manual**

**Chapter 12  
Computer, Internet  
and Messaging System Usage**





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## CHAPTER 12 - COMPUTER, INTERNET AND MESSAGING SYSTEM USAGE

### Section 12.1 Purpose

Computers of whatever nature and type, whether now in existence or developed after the effective date of this policy, software, telephones and other communications devices, whether now in existence or developed after the effective date of this policy, and network/internet/wireless connections that are purchased, leased, licensed, contracted for or implemented by Lake County ("County") or any of its departments are for the exclusive use of the County for County business. Use of these systems ("Systems") for anything other than County business purposes is not allowed except on a minimal basis for personal purposes as set out in this Computer, Internet and Messaging System Usage policy.

This policy establishes the guidelines for the proper use, administration and security associated with the County's Systems including electronic mail (e-mail), Internet access, telephone systems and voice mail.

### Section 12.2 Policy

#### 12.21 County Property

The System is the property of the County and is provided by the County to assist in the conduct of County business.

### Section 12.3 No Presumption of Privacy

***Employees should have no expectation of privacy regarding any messages or data of any nature or type they input or extract from the County's System.***

All messages composed, sent, received, or otherwise communicated using the System are the property of the County. They are not the private property of any employee and are subject to disclosure to law enforcement, government officials, County officers, or other third parties through subpoena or other processes, without notification to or the permission from the employee.

The County may routinely monitor all use of its System including employee data files, e-mail records, or voicemail messages, and employees have no right or expectation of privacy in the use of these messaging systems.

Employees are expressly advised that any connections to their social media sites, bank accounts, or other sites made through the County's computer servers, including those connections made through the use of personal identification codes, could be observed and decoded by County personnel.



Information sent across the Internet is NOT secure. Information that should remain confidential should not be sent. Users who choose to store or transmit personal information such as: private keys, credit card numbers or certificates, or who make use of cookies or internet “wallets” do so at their own risk. The County is not responsible for any loss of personal information. Since the Internet is a loose connection of computers with no central administration, the administrators of the individual computer systems that make up the Internet may establish a wide variety of usage rules, restrictions, and etiquette conventions. The County users of the Internet are expected to understand and comply with these rules, restrictions, and conventions. Violation of any of these policies may result in disciplinary action, up to and including termination of employment.

The County maintains audit log files of County Internet usage, these log files are also subject to disclosure to law enforcement, government officials, the County officers, or other third parties through subpoena or other processes, without notification to or the permission from the employee

Employees are only permitted to access messages intended for them and are not permitted to access or attempt to access messages addressed to another party, unless specifically authorized to do so by the Commissioners. Employees must ensure that information contained in these records is accurate, appropriate, and lawful.

Users of the System are expected to exercise courtesy, good judgment, and professionalism at all times.

Messages that could damage the image or reputation of the County are not permitted to be sent using the System and, when presenting personal views or opinions, employees must take great care to clearly and actively state that those views or opinions do not necessarily reflect the opinions and views of the County.

To preserve individual accountability for computer usage, common passwords are not to be used by groups of individuals. Each user is responsible for ensuring the secrecy of their passwords. Passwords should not be shared with anyone or displayed openly in the work area. Doing so constitutes a violation of security and may result in disciplinary action up to and including termination of employment.

Violations of any provision of this policy may result in disciplinary action up to and including termination of employment, as well as other remedies permitted by law.

#### **Section 12.4 Prohibited Activities**

Any use of the System for informal or personal purposes must be kept to minimal levels. Certain types of personal use are completely forbidden such as activity that would be considered illegal, unethical, or in violation of County policies, procedures, agreements



or contracts. By way of illustration and not of limitation, some examples of specifically prohibited actions or activities are:

1. Attempts to break into any computer system, whether that of the County or another organization or a private citizen.
2. Using County time and resources for personal gain.
3. Theft or copying of electronic files without permission, whether for personal gain or other reasons.
4. Sending or posting of County confidential materials to unauthorized or non-County personnel.
5. Use of the County electronic mail (e-mail) system in any manner that would reasonably be understood to violate County policies.
6. Use of inappropriate Internet sites that are of a sexual, violent, or illegal nature unless such use is by law enforcement, the County's legal department, and similar employees as a legitimate and necessary part of their duties.
7. Refusing to cooperate with any security investigation.
8. Solicitation or proselytizing for commercial ventures, religious or political causes, outside organizations, or other non-job-related purposes is also not permitted.
9. Use of the System in an offensive, harassing, or disruptive manner that would reasonably be understood to violate County policies is not permitted, even in jest, and may result in immediate termination and without prior warning. Offensive messages include those containing profanities, sexual implications, racial slurs, gender slurs, or any other comment that offensively addresses someone's age, gender, sexual orientation, religious or political beliefs, national origin, color, medical condition or disability, military status, marital status, or other characteristic protected by federal or Montana state laws or by County policies.
10. The System may not be used for transmitting, receiving, storing or archiving any communications or viewing any Internet site of a discriminatory or harassing nature or which contains inflammatory/derogatory remarks about race, religion, age, gender, disability, sex or sexual preference or pornographic content unless such use is by law enforcement, the County's legal department, and similar employees as a legitimate and necessary part of their duties. Furthermore, this material may not be displayed, archived, stored, edited, compressed/scrambled or transmitted using any of the County's facilities unless such use is by law enforcement, the County's legal department, and similar employees as a legitimate and necessary part of their duties.
11. No employee may use the System to knowingly distribute any virus, worm, trap door program code or Trojan horse.
12. No employee may use the System for the mass distribution of non-County business related information or literature.
13. No employee may knowingly send e-mail from another employee's computer or in the name of any other person, regardless of content, without that employee's knowledge and permission.



14. No employee may utilize any product that conceals his/her identity when sending e-mail, instant messages, accessing the Internet or utilizing the System.
15. The System may not be used to knowingly violate the laws of the United States or any other Nation. This includes states, cities, provinces or local jurisdictions.
16. Use of the System for illegal activities are grounds for discipline, including but not limited to immediate dismissal, and the County will cooperate with any legitimate law enforcement activities.
17. Employees may not use the System to download any entertainment software or games or play games against an opponent over the Internet or the County's network.
18. No employee may use the System to download or distribute pirated software or data.
19. Any business software or business related file downloaded via the Internet into the System become property of the County. The County retains the copyright to any material posted to any forum, news group chat, and World Wide Web page by any employee in the course of his or her duties.
20. All messages created, sent or received on the System are the property of the County.
21. The County reserves the right, in the exercise of its sole discretion, to monitor internet/e-mail/same time traffic, deny access to any of the employees as it deems appropriate, and change its internet filtering policy as it deems appropriate.
22. Each County internet user will be assigned a unique logon ID and password. Passwords are considered the County's confidential information and may not be shared with others. Employees may not upload any software or data licensed or owned by the County to the Internet without explicit authorization from the manager who is responsible for the software or data.
23. No employee may use the System to disable or overload any computer system or network to bypass any security measure intended to protect the County and other users.
24. Only designated persons are authorized to use chat or news groups to speak on behalf of the County. Other employees might be able to participate in a news group as an employee of the County. In all such cases, the employee must obtain the prior written approval of his or her manager.

Employees may use the County's Internet access for personal use on a limited occasional basis on their own time. However, personal use of the Internet may not result in charges to the County or violate any other portion of County policies. Use of this access must not disrupt the operation of the System or the networks of other users, and it must not interfere with productivity of County staff or others with whom they deal.

County Internet users are expected to exercise great care to comply with security policies and ensure that Internet downloads do not subject the County to virus attacks, security breaches, and unauthorized access to County systems. It is incumbent on every employee to ensure that their computer system has the proper anti-virus detection systems in place at all times. Employees must take every precaution to prevent viruses from damaging County equipment or the property of others.



**The County has the right to block access to websites or file types that are inappropriate or that may create a burden or disruption to efficient County business operations. Some technology, such as streaming audio or video and similar files, place high demands on County connectivity resources and may be blocked if they impinge upon business use or create unwarranted expense.**

## **Section 12.5 Remote Access**

Remote Access is defined as access to the System from an external source. This is accomplished in three ways: Virtual Private Network (VPN), Remote Access Server (RAS) and Network-to-Network connection (client/customer networks touching the County network). This policy applies to current and future implementations of Remote Access connections that allow direct access to the System.

Approved County employees may utilize the benefits of the Remote Access connection. The remote PC must have County approved anti-virus software and firewalls active when connected to the County's systems. The anti-virus software must also have a current version of the virus signature installed.

This policy regulates the use of all Remote Access Connections to County's network.

Remote Access Connections will be disabled immediately if any suspicious activity is found. Service will remain disabled until the issue has been resolved.

## **12.6 Social Media**

### **12.61 Purpose**

This document defines the social networking and social media policy for Lake County. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, Lake County departments may consider using social media tools to reach a broader audience. Lake County encourages the use of social media to further the goals of the County and the missions of its departments, where appropriate. Lake County has an overriding interest and expectation in deciding what is "spoken" on its behalf on social media sites. This policy establishes guidelines for the use of social media.

### **12.62 Acceptable Use**

#### **12.62.1 Personal Use**

All Lake County employees may have personal social networking, Web 2.0 and social media sites. These sites should remain personal in nature and be used to share



personal opinions or non-work related information. Following this principle helps ensure a distinction between sharing personal and Lake County's views.

Lake County employees must never use their Lake County e-mail account or password in conjunction with a personal social networking, Web 2.0 or social media site.

The following guidance is for Lake County employees who decide to have a personal social media, Web 2.0 or social networking site or who decide to comment on posts about official Lake County business:

- State your name and, if relevant, role, when discussing County business;
- Use a disclaimer such as: "The postings on this site are my own and don't reflect or represent the opinions of the County for which I work."

### **12.62.2 Professional Use**

All official Lake County-related communication through social media, Web 2.0 and social networking outlets should remain professional in nature and should always be conducted in accordance with the County's communications policy, practices and expectations. Employees must not use official County social media, Web 2.0 or social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

Lake County employees should be mindful that inappropriate usage of official County social media, Web 2.0 and social networking sites can be grounds for disciplinary action. If social media, Web 2.0 and social networking sites are used for official County business, the entire County site, regardless of any personal views, is subject to best practices guidelines, and standards.

Only individuals authorized by the Lake County may publish content to an County Web site or County agency social computing technologies.

### **12.63 Approval and Registration**

All Lake County social media sites shall be:

- Approved by Lake County Commissioners
- Published using approved social networking platform and tools
- Administered by the contact or their designee.

### **12.64 Oversight and Enforcement**

Employees representing Lake County through social media outlets or participating in social media features on Lake County websites must maintain a high level of ethical



conduct and professional dignity. Failure to do so is grounds for revoking the privilege to participate in County social media sites, blogs, or other social media features. Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, or acronyms.

County employees recognize that the content and messages they post on social media websites are public and may be cited as official County statements. Social media should not be used to circumvent other County communication policies, including news media policy requirements.

County employees may not publish information on County social media sites that includes:

- Confidential information
- Copyright violations
- Profanity, racist, sexist, or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM

### **12.65 Records Retention**

Social media sites contain communications sent to or received by Lake County and its employees, and such communications are therefore public records subject to MCA 2-6 Public Record. These retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video). The Department maintaining a site shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:

- Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking site.
- Social media records are maintained in an authentic format (i.e. ideally the native technical format provided by the social network, such as XML or JSON) along with complete metadata.
- Social media records are archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.



- Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
- Each employee who administers one or more social networking sites on behalf of Lake County has self-service, read-only access to search and produce relevant social media records to fulfill public information and legal discovery requests as needed.

Lake County will utilize an automated archiving solution provided by a private company to comply with applicable public records law and fulfill the above record retention requirements.

### **12.66 External Policy**

The following guidelines must be displayed to users on all social media sites or made available by hyperlink.

Moderation of Third Party Content:

Lake County social media site serves as a limited public forum and all content published is subject to monitoring. User-generated posts will be rejected or removed (if possible) when the content:

- Is off-subject or out of context
- Contains obscenity or material that appeals to the prurient interest
- Contains personal identifying information or sensitive personal information
- Contains offensive terms that target protected classes
- Is threatening, harassing or discriminatory
- Incites or promotes violence or illegal activities
- Contains information that reasonably could compromise individual or public safety
- Advertises or promotes a commercial product or service, or any entity or individual
- Promotes or endorses political campaigns or candidates

### **12.67 Public Records Law**

Lake County social media sites are subject to applicable public records laws. Any content maintained in a social media format related to County business, including communication posted by Lake County and communication received from citizens, is a public record. The Department maintaining the site is responsible for responding completely and accurately to any public records request for social media content



**Lake County, Montana**  
**Employee Operations Manual**

**Chapter 13**  
**Complaint Resolution Procedures**





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## CHAPTER 13 – COMPLAINT RESOLUTION PROCEDURES

### 13.1 Purpose

To establish a policy and procedure to resolve employee complaints involving the interpretation or an alleged violation of the policies and procedures outlined in the Lake County Employee Operations Manual, or to contest disciplinary action. These procedures are to be used in all complaint resolution situations.

### 13.2 Computation of Time

**13.21** Reference to days regarding time periods in this procedure shall refer to weekdays excluding Saturdays, Sundays and holidays.

**13.22** In computing any period of time prescribed or allowed by this Complaint Resolution Procedures policy, the date of the act, event, or default for which the designated period of time begins to run shall be counted, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Time limits as designated in this Chapter 13 may be extended by mutual agreement between the parties involved in the dispute.

### 13.3 Appeal Procedure

Anyone wishing to appeal a disciplinary action taken against him/her for a Policy/Procedure Violation is free to present the matter to management using the following procedure:

#### *STEP 1*

An employee who has a disagreement or concern shall meet with the Department Head or the Department Head's Designee ("Designee") within ten (10) working days of the date of the action giving rise to the situation to attempt to resolve the matter informally.

#### *STEP 2*

If the situation is not resolved after discussion with the Department Head or Designee, the employee may, within ten (10) working days of the Step 1 discussion, submit a written summary of concerns and relevant evidence to the Department Head. The Department Head shall issue a written decision within ten (10) working days of the date the written summary was presented.

#### *STEP 3*

If the employee is dissatisfied with the Step 2 decision, the employee may either:



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- a) Within five (5) working days of receipt of the written decision from the Department Head, present a written summary and evidence regarding the matter to the Commissioners for review. The Commissioners or their Designee shall issue a response to the employee within ten (10) working days. The Commissioners' decision shall be final; or
  - b) Within five (5) working days of receipt of the written decision from the Department Head, request a hearing before the Commissioners. Following the hearing, the Commissioners will issue a response to the employee within ten (10) working days. The Commissioners' decision shall be final.

### **13. 4 Non-Retaliation**

The County does not tolerate any form of retaliation against employees availing themselves of these procedures. These procedures should not be construed, however, as preventing, limiting, or delaying the County from taking disciplinary action against an employee, up to and including termination, for violations of applicable laws, County policies and/or applicable CBAs.

The County will not retaliate against any applicant, employee or past employee for opposing unlawful discriminatory practices, filing discrimination and/or harassment complaints, testifying or participating in any other manner in a discrimination and/or harassment proceeding.

**Lake County, Montana  
Employee Operations Manual**

**Chapter 14  
Benefits**





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## CHAPTER 14 - BENEFITS

### Section 14.1 Eligibility

**14.11** All permanent, temporary, part-time and probationary full-time employees shall be eligible to receive benefits set forth in this Manual on a pro-rata basis equal to the percentage of full-time hours worked. Eligibility for benefits set out in this Manual are subject to any plan document applicable to the benefit then in question.

**14.12** Short-term (or emergency) employees shall not be entitled to the health insurance benefits set forth in this Manual. However, they are entitled to benefits provided by State law.

### 14.13 Annual vacation leave

**14.131** Each permanent full-time employee shall earn annual vacation leave credits from the first day of employment. Vacation leave credits earned will be credited at the end of each pay period. However, employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of six (6) calendar months.

**14.132** Seasonal employees earn vacation credits. However, seasonal employees must be employed for six (6) qualifying months before they may use the vacation credits. In order to qualify, seasonal employees shall immediately report back for work when operations resume in order to avoid a break in service.

**14.133** Permanent part-time employees are entitled to prorated annual vacation benefits if they have worked the qualifying period.

**14.134** An employee may not accrue annual vacation leave credits while in a leave-without-pay status.

**14.135** Temporary employees earn vacation leave credits but may not use the credits until after working for six (6) qualifying months.

**14.136** A short-term worker or a student intern, as both terms are defined in Section 2-18-601, MCA, may not earn vacation leave credits, and time worked as a short-term worker or as a student intern does not apply toward the person's rate of earning vacation leave credits.

**14.137** Exempt employees must report all time away from their workplace of four (4) hours or more for personal reasons, and must specify whether such time should be charged to their personal, vacation or sick leave. Exempt employees are expected to be available to members of the public, their staffs and other County employees and officials during regular business hours unless on sick, vacation, personal or FMLA leave.



## **14.14 Sick Leave**

**14.141** Each permanent full-time employee shall earn sick leave credits from the first day of employment. Sick leave credits earned will be credited at the end of each pay period. However, employees are not entitled to any sick leave with pay until they have been continuously employed for a period of ninety (90) days.

**14.142** Seasonal employees earn sick leave credits. However, seasonal employees must be employed for ninety (90) qualifying days before they may use the sick leave credits. In order to qualify, seasonal employees shall immediately report back for work when operations resume in order to avoid a break in service.

**14.143** Permanent part-time employees are entitled to prorated annual sick leave credits if they have worked the qualifying period.

**14.144** An employee may not accrue annual sick leave credits while in a leave-without-pay status.

**14.145** Temporary employees earn sick leave credits but may not use the credits until after working for ninety (90) qualifying days.

**14.146** A short-term worker or a student intern, as both terms are defined in Section 2-18-601, MCA, may not earn sick leave credits, and time worked as a short-term worker or as a student intern does not apply toward the person's rate of earning sick leave credits.

## **Section 14.2 Insurance**

### **14.21 Health/Life Insurance**

Lake County, Montana ("County") has available to eligible employees an insurance package that may include basic health, catastrophic illnesses, disability and life insurance. Information regarding the County's insurance program may be obtained from the Payroll or the Human Resources Office.

### **14.3 Workers' Compensation**

All employees are covered by Workers' Compensation Insurance for injuries received during the course of and arising from performance of their duties. Coverage and benefits shall be determined by the Montana Workers' Compensation Act. All accidents/incidents shall be reported to the employee's immediate supervisor within twenty-four (24) hours of the accident/incident.



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## **Section 14.4 Retirement System**

### **14.41 Membership**

Membership in the Public Employees' Retirement System ("PERS") is mandatory for all County employees except those excluded by Section 19-14-4014, MCA and those who opt out under Section 19-14-414, MCA. The PERS is administered at the State level by the Public Employees' Retirement Board. Under no circumstances shall Lake County be responsible for payment of retroactive employer contributions for employees who decline participation in PERS.

## **Section 14.5 Tuition Reimbursement**

### **14.51 Eligibility for Tuition Reimbursement**

The Lake County Commissioners ("Commissioners") encourage all permanent full-time employees to improve their job skills and opportunities for promotion. To this end, consideration will be given on an individual basis for reimbursing employees for educational expenses. The Commissioners will determine eligibility of a particular course, class, or a program of study on an individual basis. In general, the course or courses must be directly related to the responsibilities of the employee and result in development of a skill or increased expertise that can be applied in the performance of job duties to benefit the County. Tuition reimbursement is at the sole discretion of the Commissioners. The lifetime tuition reimbursement maximum per employee is \$2,000.

### **14.52 Application for Reimbursement**

It is the responsibility of the employee to submit a written request for reimbursement to their Department Head prior to enrolling in the course, which describes the course, content, schedule, cost and reason for requesting enrollment. The application shall be transmitted to the Commissioners with the recommendations of the Department Head.

### **14.53 Reimbursement Payments**

Reimbursement for the full cost of tuition, books and related fees for approved requests shall be paid upon receipt of proof that the employee has completed the approved course with a passing grade or appropriate certification.

### **14.54 Other Benefits**

The Commissioners, at their sole discretion, may grant an employee time off with pay, mileage and/or other related costs associated with educational development.

### **14.55 Agreement to Repay**



All approved tuition reimbursement shall be contingent upon the employee's execution of an agreement to repay the County in the event that the employee ceases employment with the County within one (1) year after completion of the course for which the expenses are reimbursed.

#### **14.56 Approval of Reimbursement Request**

The Commissioners have the authority to approve, partially approve or disapprove requests for tuition reimbursement based on criteria set forth at sections 14.51 through 14.55, of this Manual.

### **Section 14.6 Health and Wellness**

#### **14.61 Commitment**

The County supports and is committed to the good health and well being of its employees. A healthy workforce results in a more productive workforce with less absenteeism, fewer accidents, lower health care demands and greater overall savings by reducing the incidence of disease and disability. County employees are encouraged to participate in education classes and health screenings that help identify and reduce health risks before serious health problems occur or allow better management of existing health conditions.

#### **14.62 Health and Wellness Activities**

The County encourages healthy lifestyles by:

- Providing both mandatory and voluntary health and wellness training programs and activities.
  - Employees must attend and participate in all mandatory health and wellness trainings and programs unless specific permission not to attend or participate is given by the Commissioners.
- Encouraging the inclusion of healthy food options at meetings, potlucks and special events.
- Supporting the availability of healthy food options in vending machines, snack bars and cafeterias operating at the workplace.
- Encouraging employees to utilize breaks for walking, stretching or other physical activity.
- Incorporating exercise breaks into meetings when practical.
- Promoting the use of stairs and walking paths.

**Lake County, Montana  
Employee Operations Manual**

**Chapter 15  
Attendance, Leave and Maternity**





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## **CHAPTER 15 – ATTENDANCE, LEAVE AND MATERNITY**

### **Section 15.1 Hours of Work**

Lake County, Montana (“County”) operates around the clock and for this reason different jobs have different hours of work. Official working hours shall be Monday through Friday, from 8:00 a.m. to 5:00 p.m., to ensure that public offices are open to the public during those hours. New employees shall be informed by their immediate supervisor as to the start and end of their workday and workweek.

### **Section 15.2 Timely Attendance**

#### **15.21 Attendance on Workdays and After Breaks**

Employees shall be in attendance on all workdays unless they have received authorization, in writing, from their immediate supervisor for a leave of absence. Employees shall be at their work stations by the starting time of each work day and after each authorized break and shall perform their duties until the close of the workday.

#### **15.22 Tardiness**

Employees shall report to work on time. When an emergency is likely to cause tardiness, employees shall telephone their immediate supervisor and provide the expected time of arrival.

Habitual tardiness shall subject the employee to disciplinary action. Habitual tardiness is defined as being late arriving at the employee’s workstation at the beginning of a workday or returning late from breaks and/or lunch periods two (2) times during a five (5) business day period or three (3) times during any ten (10) business day period.

#### **15.23 Unauthorized Absence/Absence Without Leave**

Any unauthorized absence of an employee from duty shall be considered absence without leave. Such absence may warrant deduction of pay as allowed by law, and/or disciplinary action, including termination.

Unauthorized absence for three (3) consecutive days without notice shall be considered a resignation, by the employee, and the employment relationship will be considered terminated.

### **Section 15.3 Sick Leave**

#### **15.31 Eligibility**

All permanent and temporary employees shall earn sick leave credits from the



commencement of employment. Part-time employees shall earn pro-rated sick leave credits from the commencement of employment. Employees are not entitled use of sick leave credits until they have been continuously employed for ninety (90) days regardless of the number of hours worked. Short-term (emergency hire) employees do not earn sick leave credit.

### **15.32 Sick Leave Credit Accrual**

Sick leave credits shall be accrued at the end of each pay period at the rate of twelve (12) working days per year. Section 2-18-618(1), MCA.

### **15.33 Accumulation of Sick Leave Credits**

There shall be no limit to the amount of sick leave that may be accumulated during the course of an employee's service to the County. An employee will not accrue sick leave while on leave without pay. Section 2-18-618(2), MCA.

### **15.34 Application of Sick Leave**

**15.341** Employees who become ill or injured will be paid for all days lost to the extent of their accrued sick leave. The Department Head may require the employee to furnish a doctor's certification of illness or injury before approving the sick leave.

Sick leave shall not be taken for employee absence caused by an employee's inability to get to work due to weather conditions or other non-health related reasons.

**15.342** Other than as provided in section 15.341 of this Manual, employees may take up to forty (40) hours sick leave in any one calendar year for the following:

(a) Except as provided in section 15.44, a serious medical affliction to one of the employee's immediate family requiring the employee's presence. Immediate family for this purpose shall mean the employee's mother, father, child, stepchild, foster child, sibling, spouse or spouse's parents or any member of the employee's household. Birth of an immediate family member's child (other than a spouse) shall not per se constitute a "serious medical affliction" for purposes of this part and does not qualify for sick leave without prior approval by the Commissioners.

(b) One paid day of Bereavement Leave shall be granted in the case of death in an employee's immediate family. Immediate family shall mean the employee's mother, father, child, stepchild, foster-child, sibling, spouse or spouses parents or any member of the employee's household. Approved bereavement leave of more than one (1) day as provided in this Section (a) shall be chargeable to sick leave up to a maximum of fifty-six (56) hours in any twelve (12) month period.

(c) In the event of a funeral/memorial service other than for immediate family,



employee's shall be granted four (4) hours unpaid leave for services within Lake County and eight (8) hours unpaid leave for services outside Lake County. Leave under this section (b) may be chargeable to sick leave or vacation upon prior management approval.

**15.343** Sick leave credit hours may be donated by individual employees to benefit other employees up to a maximum of one hundred sixty (160) hours in any twelve (12) month period. Employees receiving a donation must have exhausted all other accrued leave to be eligible for donations under this section. The maximum amount an employee may receive will be equivalent to three (3) months of paid leave in any twelve (12) month period. The donor employee's accrued sick leave shall be debited by multiplying the number of hours to be donated by the donor employee's hourly rate of pay. The employee receiving the donation shall receive that amount divided by their current hourly rate which will be converted to hours to the nearest half hour. A donor employee must have a balance of at least forty (40) hours after any donation is made.

**15.344** Employees shall be given leave with pay for the death of an immediate family member chargeable to sick leave up to a maximum of fifty-six (56) hours in any twelve (12) month period. In the event the employee has exhausted sick leave for death of an immediate family member as defined in section 15.342(a) of this Manual, and all vacation leave is exhausted, any additional leave granted for the purpose here provided shall be leave without pay. Immediate family for this purpose shall mean the employee's mother, father, child, stepchild, foster child, sibling, spouse or spouse's parents, grandparent or grandchild, or any member of the employee's household.

### **15.35 Lump Sum Payment Upon Termination of Employment**

**15.351** Upon termination of employment, an employee is entitled to a lump-sum payment equal to one-fourth (1/4) of the pay for unused sick leave provided that the employee has worked the three (3) month qualifying period. However, an employee transferring between departments within the County shall not be entitled to a lump-sum payment. Lump-sum payment will occur upon the next payday for the period in which the termination occurs or within fifteen (15) calendar days of termination, whichever occurs first.

**15.352** An employee who receives a lump-sum payment and who is again employed by the County shall not be credited with any sick leave for which compensation has been received.

### **15.36 Employee Notification Responsibility**

It is the responsibility of each employee to notify his/her supervisor of the illness and inability to report for duty. Each department shall establish a specific notification procedure.



## Section 15.4 Family and Medical Leave

The County has adopted this policy to implement the terms of the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to family and medical leave on the terms and conditions stated in this policy, the regulations issued by the Department of Labor under the FMLA and in the County's other applicable leave policies.

### 15.41 Definitions

For purposes of this FMLA policy, the following definitions apply:

1. "Eligible Employee" means an individual who has been employed by the County for at least twelve (12) months and has worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave.
  - a. For purposes of **qualifying exigency leave** an eligible employee must be the spouse, son, daughter, or parent of a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age. Covered active duty means:
    - for members of the **Regular Armed Forces**, duty during deployment of the member with the Armed Forces to a foreign country; or
    - for members of the **Reserve** components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.
    - Deployment to a foreign country includes deployment to international waters.
  - b. For purposes of **servicemember caregiver leave** an eligible employee must be the spouse, son, daughter, parent or next of kin of a covered servicemember. The "next of kin" of a current servicemember is the nearest blood relative, other than the current servicemember's spouse, parent, son, or daughter, in the following order of priority:
    - a blood relative who has been designated in writing by the servicemember as the next of kin for FMLA purposes
    - blood relative who has been granted legal custody of the servicemember
    - brothers and sisters
    - grandparents
    - aunts and uncles
    - first cousins

When a servicemember designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to be the servicemember's only FMLA



next of kin. When a current servicemember has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the servicemember, all such family members are considered the servicemember's next of kin and may take FMLA leave to provide care to the servicemember. (Example: if a current servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the servicemember's next of kin. Alternatively, where a current servicemember has one or more siblings and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the servicemember's next of kin.)

- c. Uniformed Services Employment and Reemployment Rights Act (USERRA)
    - Servicemembers who conclude their tours of duty and who are reemployed by the County will receive all benefits of employment that they would have obtained if they had been continuously employed, except those benefits that are considered a form of short-term compensation, such as accrued paid vacation.
    - If a servicemember had been continuously employed, one such benefit to which he or she might have been entitled is leave under the FMLA. The servicemember's eligibility will depend upon whether the servicemember would have met the employee eligibility requirements outlined above had he or she not performed USERRA-covered service.
    - A person reemployed under USERRA provisions will be given credit for any months of service he or she would have been employed but for the period of absence from work due to or necessitated by USERRA-covered service in determining eligibility for FMLA leave.
    - A person reemployed following USERRA-covered service will be given credit for the period of absence from work due to or necessitated by USERRA-covered service towards the months-of-employment eligibility requirement. Each month served performing USERRA-covered service counts as a month actively employed by the County.
2. "Covered Servicemember" – for purposes of servicemember caregiver leave a "covered servicemember" is either:
    - a. a **current** member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or
    - b. a **veteran** of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.
  3. "Qualifying Exigency" leave means one or more of the following circumstances:



- a. Short-notice deployment – to address any issues that may arise due to the fact that Covered Military Member received notice of the deployment seven (7) or less calendar days prior to the date of deployment;
  - b. Military events and related activities – to attend any official ceremony, program, or event sponsored by the military that is related to the Covered Military Member’s active duty; or to attend family support or assistance programs and informational briefings sponsored by the military;
  - c. Child care and school activities – to arrange for alternative childcare; to provide childcare on an urgent or immediate basis; to enroll or transfer a child to a new school; and to attend meetings with school staff that are made necessary by the Covered Military Member’s active duty or call to active duty;
  - d. Certain activities arising from the military member’s covered active duty related to care of the military member’s parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers.
  - e. Financial and legal arrangements – to make or update financial or legal arrangements related the Covered Military Member’s absence while on active duty; and to act as the Covered Military Member’s representative with regard to obtaining, arranging or appealing military benefits;
  - f. Counseling – to attend counseling sessions related to the Covered Military Member’s deployment or active duty status;
  - g. Rest and recuperation – to spend up to fifteen (15) days with a Covered Military Member who is on short-term, temporary rest and recuperation leave;
  - h. Post-deployment activities – to attend ceremonies and reintegration briefings for a period of ninety (90) days following the termination of the Covered Military Member’s active duty status; and to address issues arising from the death of a Covered Military Member; and/or
  - i. Other activities that the County and employee agree qualify as an exigency.
4. “Military Caregiver” leave - Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness to take up to a total of twenty-six (26) workweeks of unpaid leave during a “single twelve (12) month period” to provide care for the servicemember.
5. “Leave Year” and “twelve (12) month period” are both defined and calculated as follows: The twelve (12)month period is calculated on a “rolling” twelve (12) month period measured backward. That is, a twelve (12) month period measured backward from the date an employee uses any FMLA leave. Under the “rolling” twelve (12) month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months.
- a. “Single twelve (12)month period” for military caregiver leave:



- Begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established by the employer for other FMLA leave reasons.

## 6. Health Conditions

- a. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
    - 1) any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
    - 2) a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider. A serious health condition involving continuing treatment by a health care provider includes a period of incapacity of more *than three (3) consecutive full calendar days* and any subsequent treatment or period of incapacity relating to the same condition that also involves:
      - a) Treatment two (2) or more times within thirty (30) days of the first day of incapacity (unless extenuating circumstances exist) by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; **or**
      - b) Treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider.
        - The first (or only) treatment by a health care provider must be an **in-person visit** and take place within seven days of the first day of incapacity.
        - A "regimen of continuing treatment" includes, for Example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition;
  - b. any period of incapacity due to pregnancy, or for prenatal care; or
  - c. any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
  - d. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
  - e. any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three (3) consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).
7. "Serious injury or illness" related to military caregiver leave means:
    - a. In the case of a **member of the Armed Forces** (including a member of the National Guard or Reserves) - an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before



- the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
- b. In the case of a **veteran** who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.
  - c. Outpatient status, with respect to a covered servicemember, is the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

### Section 15.42 Forms

Forms that may be used for the purposes of this FMLA Policy include:

- WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition
- WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition
- WH-381 Notice of Eligibility and Rights & Responsibilities
- WH-382 Designation Notice
- WH-384 Certification of Qualifying Exigency For Military Family Leave
- WH-385 Certification for Serious Injury or Illness of Current Servicemember -- for Military Family Leave
- WH-385-V Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

### 15.43 Reasons for and Amount of FMLA Leave

An Eligible Employee is entitled to a total of twelve (12) weeks of unpaid, job-protected leave during each Leave Year in the event of one or more of the following:

1. The birth, adoption or placement for foster care of a son or daughter of the employee and to care for such child. Leave must be taken during the twelve (12) month period following the birth or placement, and must be taken in a single consecutive period and may not be taken intermittently or on a reduced schedule without the County's prior written approval.
2. A serious health condition of a qualifying family member, i.e. spouse, son, daughter or parent of the employee, if the employee is needed to care for such family member.



- a. Spouse: Spouse means a husband or wife as defined or recognized in the state where the individual was married (e.g., the place of celebration, not the state where the employee currently resides) and includes individuals in a same-sex marriage or common law marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States if the marriage could have been entered into in at least one state.
- b. Parent: Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents “in law.”
  - 1) In Loco Parentis: The FMLA regulations define in loco parentis as including those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.
- c. Son or Daughter: Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18), or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.
  - 1) Incapable of self-care
    - a) Under the FMLA, for an adult son or daughter with a disability to be “incapable of self-care” means that the individual requires active assistance or supervision to provide daily self-care in three or more of the “activities of daily living” (ADLs) or “instrumental activities of daily living” (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc. These lists of ADLs and IADLs are not exhaustive and additional activities should also be considered in determining whether an adult son or daughter is incapable of self-care due to a disability.
    - b) The determination of “incapable of self-care” is fact-specific and will be made based on the individual’s condition at the time of the leave.
    - c) Whether an adult child needs active assistance or supervision in three or more ADLs or IADLs will be determined based on all relevant factors, including, for Example, the current effect of any episodic impairment.
    - d) While “disability” must be broadly construed under the ADA, in order to qualify as an adult “son or daughter” under the FMLA, an individual must also be “incapable of self-care” because of the disability.
  - 2) Taking FMLA leave to care for an adult child. If an adult son or daughter is determined to be incapable of self-care because of a disability, he or she will



be considered a “son or daughter” under the FMLA. In order for a parent to take FMLA leave to care for an adult child, the son or daughter must also: (i) have a serious health condition, and (ii) need care because of the serious health condition.

3. A serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of his or her job.
4. Any “qualifying exigency”.
5. Military Caregiver Leave.
  - a. Any leave taken under one or more of the above circumstances will be counted against the employee’s total entitlement to FMLA leave for that Leave Year.
  - b. An eligible employee is limited to a combined total of twenty-six (26) workweeks of leave for any FMLA qualifying reasons during the single twelve (12) month period. Up to twelve (12) of the twenty-six (26) weeks may be for an FMLA-qualifying reason other than military caregiver leave. Example: If an employee uses ten (10) weeks of FMLA leave for his or her own serious health condition during the single twelve (12) month period, the employee has up to sixteen (16) weeks of FMLA leave left for military caregiver leave.
    - Military caregiver leave is available to an eligible employee once per servicemember, per serious injury or illness. However, an eligible employee may take an additional twenty-six (26) weeks of leave in a different twelve (12) month period to care for the same servicemember if he or she has another serious injury or illness. Example: if an eligible employee takes military caregiver leave to care for a current servicemember who sustained severe burns, the employee would be entitled to an additional twenty-six (26) weeks of caregiver leave in a different twelve (12) month period if the same servicemember is later diagnosed with a traumatic brain injury that was incurred in the same incident as the burns.
    - An eligible employee may also take military caregiver leave to care for more than one current servicemember or covered veteran with a serious injury or illness at the same time, but the employee is limited to a total of twenty-six (26) weeks of military caregiver leave in any single twelve (12) month period. Additionally, an eligible employee may be able to take military caregiver leave for the same family member with the same serious injury or illness both when the family member is a current servicemember and when the family member is a veteran.

#### **15.44 Paid Leave Benefit Coordination with FMLA Leave**

- a. FMLA leave under this policy is generally unpaid leave.
  1. If the FMLA leave is for the employee’s own serious health condition, unless superseded by the express terms of any relevant Collective Bargaining Agreement, then:
    - a) The employee is required to use his or her accrued sick leave, if any, upon the commencement of, and concurrently with, FMLA leave (unless the



employee's own serious health condition has caused the leave and the employee is receiving Workers' Compensation benefits).

- b) The employee may request that he or she be allowed to use any form of accrued leave benefit other than sick leave then due him or her, e.g., vacation leave, if any, to be used as paid leave upon the commencement of and to run concurrently with, FMLA leave.
2. If the FMLA leave is for the serious health condition of a family member or next-of-kin, or for adoption or placement of a child for adoption, then if the employee is eligible for any paid leave under any other benefit programs such as accrued vacation, unused sick or personal days, the employee will be required to exhaust the paid leave upon the commencement of, and concurrently with, FMLA leave.
- b. Paid leave will run concurrently with and be counted toward the employee's total twelve (12) week or twenty-six (26) week period of FMLA leave.

#### **15.45 Intermittent or Reduced Scheduled Leave**

- a. FMLA leave may be taken intermittently or on a reduced work schedule basis. If FMLA leave is taken intermittently or on a reduced schedule basis, then the County may require the employee to transfer temporarily to an available alternative position with an equivalent pay rate and benefits, including a part-time position, to better accommodate recurring periods of leave due to foreseeable medical treatment.
- b. Every employee is obligated to make a reasonable effort to schedule medical treatment so as not to unduly interrupt the County operations.
- c. Any employee who needs an intermittent or reduced schedule leave shall submit an application for such leave on a form supplied by the County at the time described above. The employee shall also, within the time limits set forth, furnish the County with the proper medical certification on Form WH-380-E, which will be supplied by the County, regarding the need for such intermittent or reduced schedule leave.
- d. As in the case for other FMLA leaves, the County may require a second or third medical certification.
- e. Prior to the commencement of any intermittent or reduced schedule leave, the employee requesting intermittent or reduced scheduled leave must advise the County of the reasons why the intermittent/reduced scheduled leave is necessary and of the schedule for treatment, if applicable. The employee and the County must attempt to work out a schedule for such leave that meets the employee's needs without disrupting County operations.

#### **15.46 Employee Notice Requirement**

- a. Employees are required to provide the County with sufficient information to make it aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. Sufficient information may include the following:



that the employee is unable to perform his or her job functions; that the employee's family member is unable to perform his or her daily activities; that the employee or his or her family member must be hospitalized or undergo continuing treatment; or the circumstances supporting the need for military family leave.

- b. When an employee seeks leave due to a FMLA-qualifying reason for which the County has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for the leave and the need for FMLA leave.
- c. If the need for leave is foreseeable, the employee is required to provide such notice to the Human Resources Department at least thirty (30) days before the commencement of the leave, unless impracticable to do so under the circumstances, in which case notice must be given as soon as possible, generally the same or the next business day.
  - The employee also must follow any County policy requiring advance notice, reasons for leave, and anticipated start and duration of the leave.
  - Failure to provide advance notice or follow County policy when the need for leave is foreseeable may result in delay or denial of FMLA leave.
- d. If the leave is not foreseeable, the employee must provide notice to the County of need for leave as soon as practicable, and must follow the County's normal call-in procedures.
  - Failure to follow the County's call-in procedures, absent unusual circumstances, will result in delay or denial of the leave.
- e. In case of planned medical treatment for a serious health condition, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt the operations of the County.
- f. Employees are required to give additional notice as soon as practicable whenever there is a change in the dates of scheduled leave.
- g. The County requires that the employee's health care provider complete a fitness-for-duty certification that specifically addresses whether the employee is able to perform the essential functions of his or her job before the employee can return to work.
  - If the County has a "reasonable safety concern," it may also require periodic fitness-for-duty certifications prior to the employee's return from intermittent FMLA leave, up to once every thirty (30) days. A "reasonable safety concern" means a reasonable belief of significant risk of harm to the individual employee or others.
- h. Upon receiving sufficient notice of an employee's need for FMLA-qualifying leave, the County, generally using Form WH-381 Notice of Eligibility and Rights & Responsibilities, will notify the employee of his or her eligibility to take FMLA leave within five (5) business days of the request, absent extenuating circumstances, as well as written notice of the employee's rights and obligations with respect to the leave (as well as providing copies of the required certification form - WH-380-E, WH-380-F, WH-384, WH-385 or WH-385-V).



### 15.47 Application and Medical Certification

- a. A leave to care for the employee's own serious health condition, or the serious health condition of a covered family member, must be supported by a medical certification completed by the health care provider for the employee or the covered family member.
- b. A qualifying exigency leave or a leave to care for a Covered Servicemember with a serious injury or illness must also be supported by a certification.
- c. The County will provide the proper certification, Form WH-380-E, WH-380-F, WH-384, WH-385 or WH-385-V, to the employee for his or her respective leave within five (5) business days of the employee's request for leave.
- d. The employee must return a complete and sufficient copy of the appropriate certification to the County within fifteen (15) calendar days of receiving the certification, unless it is not practicable.
  - If the employee returns an incomplete or insufficient certification, then the County will advise the employee in writing what additional information is necessary to make the certification complete and sufficient. In order to cure the deficiency, the employee must then return a complete and sufficient certification to the County within seven (7) calendar days.
  - If the employee fails to cure a deficiency in a certification, or fails to return a certification, within the prescribed time period, the County may deny the taking of leave.
- e. A County representative (other than the employee's direct supervisor) may contact the employee's health care provider to clarify or authenticate the medical certification submitted for leave for the employee's own serious health condition or the serious health condition of a family member.
  - If the County has reason to doubt the validity of a medical certification, the employee will be required to obtain a second or third opinion at the County's expense. Failure to comply with these certification requirements will result in the delay, denial or termination of leave.
- f. An employee who will be on a FMLA leave for more than one (1) week is required to call the Human Resources Department weekly to report when and if the employee expects to return to work.
- g. The County may request recertification at any time during the course of the leave for the employee's own serious health condition, if:
  - (1) the employee requests an extension of leave;
  - (2) the circumstances of the employee's condition as described in the previous certification have changed significantly, or
  - (3) if the County has reason to suspect that an employee on FMLA leave has fraudulently obtained the FMLA leave.

If desired by the County, a second or third certification in the manner provided above may be required.

- h. If the employee's leave to care for his or her own serious health condition or that of a family member is expected to last more than thirty (30) days, the County will



require a new certification from the employee's health care provider when leave is scheduled to expire, or every six (6) months, whichever occurs earlier.

- i. When the County learns of an FMLA reason for leave after a leave has commenced under another of the County policies, the County will designate the leave as FMLA-qualifying from the commencement of the leave. Employees are required to cooperate in providing the County with information needed to make this determination.

#### **15.48 Continuation of Group Health Benefits**

- a. The County will maintain the employee's coverage under a group health plan during the period of FMLA leave under the same terms and conditions as though the employee were actively working.
- b. During the leave, the employee will be required to continue to make all premium payments that he or she otherwise would have had to take if actively employed. Where feasible, the County will advise the employee concerning the necessary arrangements for such payments prior to the commencement of the leave.
- c. If the employee fails to return to work following the expiration of FMLA leave for a reason other than a serious health condition or circumstances beyond the employee's control, the County will be entitled to the repayment by the employee of any premiums paid by the County during the leave. Failure to make timely premium payments may result in the termination of coverage.
- d. An employee on FMLA leave should deliver payment of the employee's portion of such premium to the Payroll Office prior to the first work day of each month. Failure to make prompt payment of the employee's portion of such premium may result in the loss of medical insurance coverage for the duration of the FMLA leave, but upon the employee's return to work, the medical insurance will be restored as of the date that the employee returns. If the employee does not return from FMLA leave or returns to work, but does not remain an active employee for at least thirty (30) days, the County may seek to recover the amount paid for such insurance premiums from the employee.
- e. An employee on FMLA leave shall be responsible for the payment of the full premium for all other insurance, pensions and other benefits. Failure of the employee to pay the entire premium for such items will result in their lapse for the duration of the FMLA leave. If the employee returns from FMLA leave, all such insurance, pension and other benefits shall be restored without any break in service.
- f. An employee shall not accrue any credit toward vacation or other benefits based upon time worked for the time that he or she is on unpaid FMLA leave.

#### **15.49 Return to Work / Fitness-for-Duty Certification**

- a. Consistent with the County's practice, before returning to work following a medical leave due to the employee's serious health condition, the employee will be required to present a fitness-for-duty certification from his or her health care



provider that the employee is medically able to resume work and to perform the essential functions of his or her job.

- b. If the date on which an employee is scheduled to return to work from FMLA leave changes, the employee is required to give notice of the change, if foreseeable, to the County within two (2) business days of the change.
- c. Subject to the limitations below, an employee returning from FMLA leave will be restored to the position of employment held when the leave commenced or to an equivalent position.
  - Job restoration may be denied if conditions unrelated to the FMLA leave have resulted in the elimination of the employee’s position, or if the employee qualifies as a “key employee” (generally the highest paid ten percent (10%) of the workforce). Key employees may be denied job restoration if it would cause substantial and grievous economic injury to the County, in which case the key employee will be notified of this decision.

In summary, upon expiration of a FMLA leave, an employee who returns to work shall be restored to the same or an equivalent job, if the employee shall have:

1. Called the Human Resources Department in accordance with the terms above;
2. Furnished the Human Resources Department with proper certifications and recertifications in accordance with terms above;
3. Submitted to any second or third examination by a health care provider upon request of the County;
4. Furnished the Human Resources Department with a medical certification of the employee’s ability to return to work and to perform the essential functions of the job; and
5. Returned to work immediately upon expiration of the FMLA leave.

Failure to call the Human Resources Department weekly, to provide the required medical recertification or to return to work immediately upon expiration of a FMLA leave may result in termination of the employee.

Failure to furnish a fitness-for-duty certification of the employee’s ability to return to work and to perform the essential functions of the job may result in the delay of job restoration or the termination of the employee.

**Section 15.50 Questions**

Questions about this policy or eligibility for FMLA leave should be directed to the Human Resources Department.

**Section 15.6 Maternity and Maternity Leave**

**15.61** When applicable in the circumstances, this Maternity and Maternity Leave policy must be coordinated with the provisions of the County’s FMLA policy set out in this



Manual.

**15.62** The County does not discriminate against any female applicant or employee in hiring or in the terms, conditions and privileges of employment based upon pregnancy, childbirth, or related medical conditions.

**15.63** The County will not terminate any employee due to pregnancy or childbirth.

**15.64** The County will grant a request by a female employee for a reasonable leave of absence for maternity. A reasonable leave of absence for maternity is leave for that period of time during which a female employee is incapable of performing normal job duties due to maternity. The County may require medical verification of disability.

**15.65** The County will not require any employee to take a mandatory maternity leave for an unreasonable length of time. If absenteeism due to pregnancy becomes excessive or if a pregnant employee is incapable of performing normal job duties, the County may require the employee to take maternity leave until the employee is capable of performing normal job duties on a regular basis. Prior to requiring maternity leave, the County will assess whether the County can make any reasonable accommodation, which will allow the pregnant employee to continue to work.

**15.66** The County will reinstate an employee who has taken a reasonable leave of absence for maternity to her original job or to an equivalent job with equivalent pay, and accumulated seniority and other benefits. An employee requiring maternity leave shall provide the County with reasonable notice of the expected date of leave. An employee returning from maternity leave shall provide the County with reasonable notice of her intent to return to work and a release from her physician. When the County receives notice of intent to return to work, the County will reinstate the employee as soon as reasonably possible.

#### **15.67** Breastfeeding Policy

The County will support and encourage the practice of breastfeeding, accommodate the breastfeeding related needs of employees, and ensure that employees are provided with adequate facilities for breastfeeding or the expression of milk for their children. A Department Head, when necessary, shall identify a suitable space for breastfeeding and breast pumping for a lactating employee, including the provision of basic necessities of privacy, lighting, and electricity for the pump apparatus. The breastfeeding space must be private, but does not have to be fully enclosed or permanent. The breastfeeding space must be readily available during the term the employee needs the space, may not be toilet stall, and must be as reasonably close to the employee's work area as possible.

The Department Head, must designate an appropriate breastfeeding space prior to an employee's return from maternity leave, or, if an employee is hired during the



breastfeeding period, prior to the employee's start date.

## **Section 15.7 Vacation Leave**

### **15.71 Eligibility**

All permanent and temporary employees shall earn vacation leave credits from the beginning of employment and shall be entitled to take vacation leave with pay after six (6) calendar months of continuous County service. See Section 2-18-611(1), MCA. Part-time employees accrue vacation leave credits on a pro-rated basis. Short-term (emergency) employees do not earn vacation credits. An employee who terminates employment is entitled to cash compensation for unused earned vacation leave, assuming that the employee has worked the qualifying period. Vacation Leave will be paid out to eligible terminated employees on the next payday for the period in which the termination occurs or within fifteen (15) calendar days of termination, whichever occurs first.

### **15.72 Vacation Leave Credits Accrual**

Vacation leave credits shall be earned in accordance with the schedule and conditions set forth at Section 2-18-612, MCA. An employee shall not accrue vacation leave credits while on leave without pay. See Section 2-18-611(4), MCA. For purposes of determining employee's annual vacation leave credit rate, employees shall be responsible for notifying the Payroll Coordinator of all prior state, County and city employment. Employees shall not be entitled to retroactive accrual of annual vacation leave credit.

### **15.73 Request for Vacation**

Accrued vacation leave shall be taken at a time that is mutually agreed upon by the employee and Department Head. Requests for vacation time must be submitted to the Department Head, in writing, at least forty-eight (48) hours prior to the commencement of the period requested, unless exigent circumstances exist. Every consideration will be given to the employee's preference of dates, but scheduling of vacation times will be subject to the needs of the department or County. See Section 2-18-616, MCA.

### **15.74 Maximum Annual Accumulation of Vacation Leave Credits**

Each eligible employee may accumulate annual vacation leave credits to a maximum of twice the number of days earned annually as of the end of the first pay period of the next calendar year. Excess vacation time is forfeited if not taken within ninety (90) calendar days from the last day of the calendar year in which the excess was accrued. See Section 2-18-617, MCA.

## **Section 15.8 Personal Leave Day**



Effective July 1, 2009 each permanent, full-time employee who has completed six (6) months of continuous service with Lake County shall be eligible for eight hours personal leave with pay per fiscal year. Scheduling personal leave shall be accomplished in cooperation between the employee and the Department Head in the best interest of the employer and employee. The employee shall provide at least forty-eight (48) hours notice when requesting personal leave with pay. There shall be no cash reimbursement for unused leave at any time. Personal leave shall not be subject to accrual from year to year.

## **Section 15.9 Holidays**

### **15.91 Days Observed**

The following are legal holidays observed by Lake County. Section 1-1-216, MCA.

New Year's Day (January 1)  
Martin Luther King Day (Third Monday in January)  
President's 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 General Election Day (even numbered years)

**15.92** If any of the above holiday falls upon a Sunday, the Monday following is a holiday. If any of the above holidays falls upon a Saturday, the Friday preceding is a holiday. See Sections 1-1-216, MCA and 2.21.629(2), ARM.

**15.93** Full time employees receive holiday pay as provided in Section 2-18-603(1) (a), MCA. Part-time employees receive holiday as provided in Section 2-18-603 (1) (a), MCA. Short-term (or emergency) employees do not receive holiday pay. See Section 2-18-603 (1) (c), MCA.

## **Section 15.10 Other Leaves of Absence With Pay**

### **15.101 Jury Duty and Court Appearance Leave**

When an employee receives a summons to jury duty or witness subpoena, he/she will immediately report this information to his/her immediate supervisor and show the summons or subpoena. Each employee who is under proper summons as a juror, prospective juror or subpoenaed to serve as a witness by any legally constituted court or governmental unit shall collect all fees and allowances payable as a result of the



service and forward the fees to the office of the Lake County Treasurer. Juror fees shall be applied against the amount due the employee from the County, and the employee shall receive full regular compensation. However, if an employee elects to charge juror time off against vacation leave, the employee shall not be required to remit the juror fee to the County. In no instance is an employee required to remit to the County any expense or mileage allowance paid him by the court. See Section 2-18-619, MCA.

### **15.102 Military Leave**

A person ordered to federally funded military duty is entitled to all of the employment and reemployment rights and benefits provided pursuant to the federal Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301, et seq., and other applicable federal law.

A County employee who is a member of the organized militia of Montana or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least six (6) months will be given leave of absence with pay accruing at a rate of one hundred twenty (120) hours in a calendar year, or academic year if applicable, for performing military service.

Military leave will not be charged against the employee's annual vacation time.

Unused military leave will be carried over to the next calendar year, or academic year if applicable, but may not exceed a total of two hundred forty (240) hours in any calendar or academic year.

### **15.103 Administrative Leave**

A Department Head may authorize administrative leave up to a maximum of forty (40) hours. The Commissioners must be notified immediately of all administrative leave action. A request for administrative leave of more than forty (40) hours must be submitted in writing to the Commissioners. A Department Head must receive written authorization from the Commissioners to place any employee on administrative leave for any period over the forty (40) hour maximum. During a period of administrative leave, an employee shall continue to receive all benefits accumulating to that employee, including pay, as if the employee had been reporting to work his or her regular hours. If the employee is a full-time employee, he or she will only be entitled to pay equivalent to a forty (40) hour workweek.

## **Section 15.11 Voluntary Emergency Service Leave**

A Department Head may grant an employee up to forty (40) hours in a calendar year of unpaid voluntary emergency service leave without loss of benefits. The leave must be documented as voluntary emergency service leave on an employee's timecard.



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Such leave shall only be granted if the employee:

- (a) is responding to a disaster or emergency occurring in Lake County or a County in which Lake County has entered into a mutual aid agreement;
- (b) regularly serves as an auxiliary officer, as defined by Section 7-32-201, MCA, or as a volunteer to the authority that calls upon the employee for assistance; and
- (c) is called to serve by any of the following:
  - (1) a law enforcement agency;
  - (2) a fire department;
  - (3) a fire company that is organized and funded by a County, rural fire district, or rural fire service area; or
  - (4) a Sheriff or a Sheriff's Designee acting in conjunction with a search and rescue unit established pursuant to Section 7-32-235, MCA.

**Lake County, Montana  
Employee Operations Manual**

**Chapter 16  
Compensation**





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## CHAPTER 16 – COMPENSATION

### Section 16.1 Definitions

**16.11** "Wages" includes any money due an employee from the Lake County, Montana ("County") whether to be paid by the hour, day, week, semi-monthly, monthly, or yearly, and includes bonus, piecework, and all tips and gratuities that are covered by section 3402(k) and service charges that are covered by section 3401 of the Internal Revenue Code of 1954, as amended and applicable on January 1, 1983, received by employees for services rendered by them to patrons of premises or businesses licensed to provide food, beverage, or lodging. See Section 39-3-201(6)(a), MCA

**16.12** "Day and Working Day" are defined in Section 1.60 of this Manual.

**16.13** "Workweek" is defined in Section 1.61 of this Manual.

- a. Unless otherwise set by a relevant CBA, because of non-standard workweeks or work-overload situations, it may be necessary for employees to work other than the standard workweek.
- b. The method of compensation for time worked in excess of the standard workweek shall differ according to the status of the employee as an "exempt" or "non-exempt" employee.

**16.14** "Exempt Employees" are defined in Section 1.56 of this Manual.

**16.15** "Non-Exempt Employees" are defined in Section 1.57 of this Manual.

### Section 16.2 Payment of wages when employee is separated from employment prior to payday

**16.21** Except as provided in subsections 16.22 or 16.23 of this Manual, when an employee separates from employment with the County all the unpaid wages of the employee are due and payable on the next regular payday for the pay period during which the employee was separated from employment or fifteen (15) days from the date of separation from employment, whichever occurs first, either through the regular pay channels or by mail if requested by the employee.

**16.22** Except as provided in subsection 16.23, when an employee is separated for cause or laid off from employment by the County, all the unpaid wages of the employee are due and payable on the employee's next regular payday for the pay period or within fifteen (15) days from the separation, whichever occurs first.

**16.23** When an employee is discharged by reason of an allegation of theft of property or funds connected to the employee's work, the County may withhold from the employee's final paycheck an amount sufficient to cover the value of the theft if:



- (a) the employee agrees in writing to the withholding; or
- (b) the County files a report of the theft with the Lake County Sheriff's Office or another appropriate law enforcement agency within seven (7) business days of the separation from employment, subject to the following conditions:
  - (i) if no charges are filed in a court of competent jurisdiction against the employee for the alleged theft within thirty (30) days of the filing of the report with the Lake County Sheriff's Office or another appropriate law enforcement agency, wages are due and payable upon the expiration of the thirty (30) day period.
  - (ii) if charges are filed against the employee for theft, the court may order the withheld wages to be offset by the value of the theft. If the employee is found not guilty or if the employer withholds an amount in excess of the value of the theft, the court may order the employer to pay the employee the withheld amount plus interest.

## **Section 16.3 Overtime and Compensatory Time**

### **16.31 Overtime Compensation**

- a. Full-time non-exempt employees shall be paid at a rate of one and one-half (1 1/2) times their base hourly rate for all hours worked in excess of their scheduled shift. Employees must receive prior approval by the Administration or in the absence of any administrator, the shift supervisor, to work any non-emergency overtime. Failure to obtain prior approval for non-emergency overtime may result in disciplinary action.
- b. When computing overtime, sick leave and jury duty leave taken during the workweek will be considered as time worked.

### **16.32 Compensatory Time**

#### **16.321 Non-Exempt Employees**

If mutually agreed upon by the Department Head and employee, non-exempt employees shall receive compensatory time at the rate of one and one half (1 ½) hour off with pay for each overtime hour worked up to a maximum of a forty (40) hour accrual. All compensatory time shall be reported on the employee's time card.

#### **16.322 Exempt Employees**

- Exempt employees must report all time away from their workplace of four (4) hours or more for personal reasons, and must specify whether such time should be charged to their personal, vacation or sick leave.
  - Exempt employees will not receive compensatory time off for hours worked in



excess of forty (40) hours per week; however, if you are away from the office for less than four (4) hours for personal reasons, you do not need to count this against any of your accrued leave banks.

- Exempt employees will have until the end of the fiscal year, June 30, 2017, to use their then accrued compensatory hours, if any. Per County policy these hours cannot be converted to a cash payout.
- Exempt employees are expected to be available to members of the public, their staffs and other County employees and elected officials during regular business hours unless on sick, vacation, personal or FMLA leave. Consequently, all work over four (4) hours that is performed at home must be pre-approved by the Commissioners. Exempt employees cannot just assume that they will be paid over the four hours if they are working from home. This must be pre-approved by the Commissioners. If it is not approved, hours must be made up through available leave banks.

Note that timecards will reflect eight (8) hours per day as Regular Time unless an Exempt employee is absent from work for more than four (4) hours, in which case some type of leave will need to be used.

#### **Section 16.4 Authorization**

No employee shall work overtime or utilize compensatory time unless authorized to do so by their immediate supervisor or Department Head.

An employee's time records, however submitted, whether in a hardcopy written form, electronically or otherwise, must accurately reflect all regular and overtime hours worked, meal breaks, absences, late arrivals, and early departures, as well as accrued comp time. Employees must also record any sick, vacation, or other paid time off when it is used.

In submitting time worked information employees are required to verify that the reported hours worked are complete and accurate, and submit the information to their supervisor for verification and approval, prior to submitting it for payroll processing.

Employees required to sign timecards should not do so unless the timecards are accurate. In the event of an error in reporting time, employees should immediately report the problem to their supervisor, the Payroll Department or the Human Resources Department. When reviewing pay notifications, e.g., a pay stub, employees should immediately verify that they were paid correctly for all regular and overtime hours worked each workweek.

Unless an employee is authorized by his or her supervisor, they should not work any unscheduled work time. Non-exempt employees should not start work early, finish work



late, work during a meal break or perform any other extra or overtime work unless they are authorized to do so and that time is recorded on their timecard or via another County authorized timekeeping system. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work employees may perform but fail to report on their timecard or via another County authorized timekeeping system. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination of employment.

It is a violation of the County's Compensation and Ethics Policies for any employee to alter, falsify, or tamper with their own or another employee's time records on a timecard or via another timekeeping system. Employees cannot authorize someone to fill out their timesheet and/or record their time via another timekeeping system for them. It is also a serious violation of County policy for any employee or supervisor to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time records to under- or over-report hours worked, including — punching in another employee's timecard. If any supervisor or employee instructs an employee to (1) incorrectly or falsely under- or over-report their hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, employees should report it immediately to the Human Resource Department.

## **Section 16.5 Holiday Compensation**

### **16.51 Authorized Holidays Observed**

**16.511** "Holiday" "Holiday" means a scheduled day off with pay to observe a legal holiday, as specified in Section 1-1-216 or 20-1-305, MCA, except Sundays.

**16.512** Full-time employees receive holiday pay as provided in Section 2-18-603(1)(a), MCA.

**16.513** Part-time employees receive holiday pay as provided in Section 2-18-603(1)(b), MCA.

**16.514** Short-term (or emergency) employees do not receive holiday pay. See Section 2-18-603 (1)(c), MCA.

## **Section 16.6 Longevity/Length of Service Bonuses and Wage Increases**

Each permanent and seasonal employee not covered by a collective bargaining agreement that already contains provisions granting longevity/length of service wage increases and/or bonuses will be eligible for longevity bonus payments as outlined in the table below. For the purposes of this section, one (1) year of service shall be equivalent to 2080 straight time hours worked including sick leave and vacation time. Payments will be by separate check on the pay period immediately after the employee's



anniversary date of employment or the completion of the required number of qualifying hours.

5 years of service	Two Hundred fifty dollars (\$250.00)
10 years of service	Five Hundred dollars (\$500.00)
15 years of service	Seven Hundred fifty dollars (\$750.00)
20 years of service	One Thousand dollars (\$1,000.00)
Each five years after 20 years of service	One Thousand dollars (\$1,000.00)



**Lake County, Montana**  
**Employee Operations Manual**

**Chapter 17**  
**Travel and Expense Reimbursement**





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## CHAPTER 17 - TRAVEL AND EXPENSE REIMBURSEMENT

### Section 17.1 Eligibility

Approved travel, lodging and meal expenditures associated with the conduct of Lake County, Montana ("County") business and/or attendance at conferences, seminars or training sessions outside of the County shall be paid by the County.

### Section 17.2 Approval

No reimbursement shall be made for travel that was not approved by the appropriate Department Head prior to the dates of travel. Employees seeking reimbursement for travel expenses shall submit a request for reimbursement, describing the expected length and purpose of the travel, to the appropriate Department Head prior to the dates of travel.

### Section 17.3 Expense Allowance

#### 17.31 Lodging

Full single rate cost of hotel or motel rooms at rates reasonable and usual for the area shall be paid. Government rates shall be requested by the employee. When other than commercial, nonreceiptable lodging facilities are utilized, the amount of \$12.00 per employee, per night will be authorized.

#### 17.32 Meals

##### 17.321 In- or Out-of-State Travel

For qualifying travel outside the County, whether within or outside of Montana the per diem amounts for meals shall be paid by the County consistent with U.S. General Services Administration Meals and Incidental rates in effect at the time such expenses are incurred.

**17.322** An employee may claim meals if in travel status outside of the County for at least three (3) hours during the following:

- a) If away between 12:01 a.m. and 10:00 a.m. the employee will be reimbursed for a breakfast.
- b) If away between 10:01 a.m. and 3:00 p.m. the employee will be reimbursed for a lunch.



- c) If away between 3:01 p.m. and midnight the employee will be reimbursed for a dinner.

### **17.33 Transportation**

County reimbursement for mileage shall be at the rate set for agencies of the State government. See Section 2-18-503, MCA.

### **17.34 Mode of Transportation**

Transportation shall be by the mode that results in the cheapest overall cost to the County with the exceptions listed below.

**17.341** In the event that automobile travel is chosen over air travel by the employee for personal reasons, time away from the job for automobile travel, insofar as it exceeds the time required for air travel, shall not be reimbursed by the County. In the event that air travel would be cheaper than automobile travel, the employee will be reimbursed in an amount equal to the airfare in lieu of any mileage reimbursement.

**17.342** Travel time between home and the work place is not time worked. Assigned travel during an employee's regular working hours on regular workdays is counted as time worked. Travel time on a day off is also work time. Time at the destination when the employee is free to come and go as he or she wishes for thirty (30) minutes or more is not work time.

### **17.343 Other Expenses**

The cost of registration and fees for previously approved conferences, seminars and training sessions, and other miscellaneous costs deemed appropriate to a specific travel request, shall be paid by the County.

## **Section 17.4 Expense Reporting**

### **17.41 Forms to be Filed**

An expense report shall be submitted to the Finance Department on forms designated by the Finance Department. Receipts for expenses other than meals shall be attached to the report.

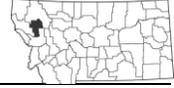
### **17.42 Time for Filing**

The expense report and request for reimbursement must be filed within ninety (90) days after incurring the expenses. If a claim is not filed within ninety (90) days, the right to reimbursement will be deemed waived.

**Lake County, Montana  
Employee Operations Manual**

**Chapter 18  
Credit Cards**





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## CHAPTER 18 - LAKE COUNTY CREDIT CARD GUIDELINES

### Section 18.1 Purpose

These guidelines set out the general policies for issuance and use of credit cards in the name of Lake County, Montana (“County”) for purchases and/or expenditures related to the operations of the County.

All cardholders must read these policies carefully. A cardholder’s signature on the Lake County Cardholders Agreement indicates that the cardholder understands the intent of this policy and agrees to adhere to the policy’s guidelines, and the promises to pay for or reimburse the County for all unauthorized purchases and or uses.

### Section 18.2 Buy Local

County employees are expected to consider not only price but also responsive service, delivery and other factors that may weigh in favor of buying from or through a Lake County located vendor over internet or out-of-town vendors. While the lowest price is sometimes the best bargain, the local service component should be considered in the purchase decision.

If using a Lake County located vendor is not possible or the difference would present a reasonably significant cost or qualitative difference to the County, vendors located outside of the County may be used.

The County will endeavor to give sufficient notice to all firms when there are significant purchases of goods, services or opportunities to respond to a request for proposal or supply contract. County employees making purchases should develop a list of Lake County located vendors supplying the types of goods and services sought along with contact information to more readily provide notice by email of either significant purchase or of the opportunity to bid on small purchases on an annual supply contract basis.

### Section 18.3 Eligibility

Elected Officials and employees, eligible for a County credit card are:

- Elected Officials,
- Department Heads,
- Employees who must travel frequently in the normal course of their duties, or incur other frequent business expenses of a kind commonly and reasonably paid by credit card.

No individual who refuses to sign the Lake County Cardholders Agreement will be issued a County credit card.

Credit card privileges may be rescinded at any time at the discretion of the County



Commissioners and/or Finance Director if policies and/or procedures are not followed. Unauthorized or improper use of County credit cards will lead to enforcement under the Lake County Cardholders Agreement and, for employees, disciplinary action up to and including termination of employment.

## **Section 18.4 Cardholder Responsibilities**

Cardholders shall:

- Comply with all applicable County purchasing policies and procedures.
- Follow their department procedures for management approval for credit card charges.
- Ensure that the credit card is only used for individual transactions that are pre-approved by an Elected Official, the cardholder's Department Head or Supervisor.
- Retain all sales slips and register receipts. Cardholder's account will cycle every month and the cardholder will receive a statement of the charges made.
- Maintain a transaction log of all transactions indicating time, date, vendor name, amount and description of transaction. When using the internet/phone/or mail order a detailed receipt must be received within twenty-four (24) hours (vendor can fax or email receipt). If vendor is unable or unwilling to remit a detailed receipt within the timeframe, the transaction shall be cancelled.
- Reconcile charges on the account to the monthly statement. Receipts and/or credit card slips must be attached to the monthly statement when submitted for payment processing. Reconciliation and statements must be submitted timely for payment to avoid late payment fees and interest. Reconciliations are due to the Finance Office within five (5) business days of receipt of statement.
- Report lost or stolen cards immediately to an Elected Official, their Department Head or Supervisor.
- Use the credit card solely for County business purposes. Personal purchases of any type are not allowed. If the card is used for personal use or gain by the cardholder, that individual will reimburse Lake County for all incurred costs associated with such improper use and employees will be subject to disciplinary actions up to and including termination of employment,
- Return the card to their Department Head or Supervisor with a final reconciliation of all expenditures prior to leaving the County's employ, whether such separation



is voluntary or involuntary.

### **Section 18.5 Use of Credit Card for Certain Purposes**

**18.51** A County credit card is intended to be used for travel-related overnight lodging, airline tickets or registration fees; online purchases (when online purchases are appropriate); and for vendors when frequency of use does not warrant the establishment of a revolving account with that vendor. Revolving accounts with specific vendors is the preferred option.

**18.52** Credit card usage for online purchases and from vendors must be approved by an Elected Official or the cardholder's Department Head prior to the use of the credit card.

**18.43** A County credit card cannot be used for the following:

- Any personal use not related to travel expenses
- Cash advances
- Personal health and medical expenses
- Personal entertainment
- Alcoholic beverages
- Meals purchased during a day trip away from the home office with the exception of prisoner transport

**18.44** Conference and meeting related meals and expenses. Meals will be reimbursed in accordance with Chapter 17 – Travel and Expense Reimbursements of this Operations Manual.



**Lake County  
CREDIT CARD AGREEMENT**

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

Approved by: \_\_\_\_\_ Title: \_\_\_\_\_

The employee listed above has been provided with a copy of the County’s credit card policy, and hereby agrees to comply with all terms and conditions set forth therein.

County credit cards are for official County use only.

I understand that any misuse of the County purchasing card may result in disciplinary action, including termination of employment.

Credit card payments must be processed on a timely basis. All charges need accompanying original, detailed itemized receipts. If appropriate receipts are not turned in and cannot be produced, I agree to reimburse the County for any undocumented charges or any charges that do not comply with County policies. I agree that these charges may be withheld from my wages.

The credit card will be immediately surrendered upon retirement, termination or upon request of my Department Head or a representative of the Lake County Commissioners.

I understand that the use of the credit card for any purpose after its surrender is prohibited.

I have read Lake County’s Credit Card Policy and procedures and accept them as well as the terms of this Credit Card Agreement.

**If permanently issuing card to individual:**

Cardholder Signature: \_\_\_\_\_ Date Issued: \_\_\_\_\_

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

**If checking out a purchasing card for temporary use:**

Cardholder Signature \_\_\_\_\_ Date Checked Out: \_\_\_\_\_

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

**Lake County, Montana  
Employee Operations Manual**

**Chapter 19  
Identification Badges**





**CHAPTER 19 - IDENTIFICATION ENTIFICATION BADGE POLICY**

**Section 19.1 Policy Statement**

It is the policy of Lake County, Montana (“County”) that employees and the public be provided with the highest quality public service in the safest possible environment while conducting business. To that end all persons working or conducting business on County property and/or in the community will adhere to the identification standards set out herein.

**19.11 Scope**

This policy applies to all County employees, volunteers, and contractors while on County property and/or while conducting County business in the community.

*EXCEPTIONS:*

- a. This Identification Badge Policy does not apply to uniformed staff of the following departments whose employees must wear uniforms that clearly identify them as County employees:
  - 1) Sheriff’s Office
  - 2) Uniformed officers, Detention Facility

**Section 19.2 Description of Badges**

The identification badge is a credit card size PVC plastic card with a photo image of the employee and information on the front.

*Employees shall not alter the badge or apply adornments to it.*

**Section 19.3 Procedure**

**19.31** Identification badges will be issued by:

- a. New hires – Human Resources Department
- b. Non-Lake County agencies; contractors; volunteers; interns; others – Sheriff’s Office

<p><i>Card Front:</i></p> <ul style="list-style-type: none"> <li>• County Seal or approved dept. logo (when needed to identify a uniqueness, e.g. Public Health)</li> <li>• Employee Photo</li> <li>• Employee First Name</li> <li>• Department Name</li> </ul>	<p><i>Card Back:</i></p> <p>Text: IF FOUND, DROP IN ANY MAILBOX RETURN POSTAGE GUARANTEED BY: LAKE COUNTY HUMAN RESOURCES DEPARTMENT, 106 FOURTH AVENUE EAST POLSON, MT 59860</p>
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**19.311** Department Heads or their designees are responsible for requesting original or replacement identification badges for their respective departments' new hires, visitors, contractors, volunteers, interns, and similar non-Lake County employees.

**19.32** All employees of the County will be issued a photo identification card.

- a. All permanent, temporary, and probationary employees will be issued one programmable identification badge. Employees shall not lend badge to any other person for any reason.
- b. All volunteers and interns will be issued one non-programmable identification badge.
  - (1) These identification badges shall use a different colored background than employee badges.
  - (2) The word "VOLUNTEER" or "INTERN" shall be displayed in bold, colored print on volunteer and intern identification badges.
- c. Contractors
  - (1) All contractors will be issued a photo identification badge upon contract execution and before any work on County property is performed.
  - (2) Contractor identification badges shall have a different colored background than those of employees, volunteers or interns.
  - (3) Contractor identification badges will allow access onto and into County property and facilities for the execution of their contract only. Contractor identification badges may or may not be programmable depending on the specific circumstances of the contract under which their work is being done.
  - (4) Contractor identification badges shall be worn using a breakaway lanyard or may be worn using a clip-on accessory for those personnel who would encounter safety issues with the use of a lanyard.
  - (5) Contractors must turn in all identification badges upon completion and/or termination of the contract.
- d. People who are not employees of the County but are engaged in work activities at County facilities on a temporary or periodic basis, e.g., consultants, will display a County issued Visitor identification badge, regardless of whether they wear other employer issued identification. Visitor identification badges may or may not be programmable depending on the specific circumstances of the agreement under which their work is being done.
  - (1) Visitor identification badges shall be worn using a breakaway lanyard or may be worn using a clip-on accessory for those personnel who would encounter safety issues with the use of a lanyard.
  - (2) Visitors must turn in all identification badges upon completion and/or termination of their work engagement to the department that issued the badge to them.



### **19.33 Lost identification Badges**

**19.331** All individuals to whom an identification badge has been issued must immediately report lost, missing or stolen identification badges to the department that originally issued the badge to them.

**19.332** Lost identification badges and/or lanyards will have a replacement cost of five dollars (\$5.00). Replacement fee(s) must be paid to the County Treasurer's office before a new identification badge and/or lanyard will be issued.

### **19.34 New and Replacement Identification Badges**

- a. New identification badges will be issued at no cost to employees who receive a transfer, promotion, demotion, etc.
- b. Damaged or broken identification badges will be issued at no cost to employees only when such replacement identification badges are authorized by their supervisor or Department Head and the damaged or broken identification badge is turned into to the department that originally issued the badge to them.

**19.35** Upon suspension, voluntary or involuntary termination of employment and/or retirement, an employee must turn in their identification badge to their supervisor. The department is then required to send the identification badge to the department that originally issued the identification badge to the employee.

### **Section 19.4 Wearing identification Badges**

- a. All on-duty County employees will be required to wear their County issued photo identification badge.
- b. Employees should wear their identification badge when hosting or appearing at County functions or community events, especially if it is important to draw attention to the County's participation or attendance.
- c. Employees may use reasonable judgment in deciding whether to wear their identification badge while conducting official business that is not on County property if anonymity is a consideration.
- d. The identification badge must be worn face forward in full view, on or over the outermost garment, at or above the waist, at all times. Identification badges shall be worn using a breakaway lanyard unless there is a safety concern, i.e. a concern that wearing something that hangs loosely might get caught in machinery, in which case a clip-on type is acceptable.
- e. County employees who are off-duty, but who are entering into an area within a County building or facility in which the public doesn't normally have access must wear their County issued photo identification badge in accordance with this policy.
- f. Each Department Head will be responsible for ensuring that identification badges



- are worn as required.
- g. If an employee forgets their identification badge, the employee shall notify their supervisor. The supervisor shall provide the employee access to their work area unless instructed not to by the Department Head and/or the Human Resources Department.
  - h. Violations of this policy will result in disciplinary action up to and including termination.

### **Section 19.5 Further Information**

For further direction regarding this policy or clarification of it, please contact the Human Resources Department.

**Lake County, Montana  
Employee Operations Manual**

**Chapter 20  
Safety**





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## **CHAPTER 20 - SAFETY**

### **Section 20.1 Purpose**

Lake County, Montana (“County”) is committed to furnishing employment and a place of employment that is safe and healthful for the employees therein.

All employees, including all levels of management, will be held accountable for obeying safety and health rules.

### **Section 20.2 Hazard Identification, Prevention, Elimination and/or Mitigation**

#### **20.21 Hazard Recognition**

Any employee who believes he or she has perceived a workplace hazard of any nature and type, whether created by physical conditions; operating policies and/or practices; defective or malfunctioning equipment; missing, inadequate or lack of personal protective equipment; deficiencies in training; failure to adhere to federal, state or local safety and health laws; and/or any combination of these and similar factors should immediately inform his or her Department Head of the perceived danger.

The Department Head will take such measures as he or she feels are appropriate in the circumstances, keeping in mind the County’s commitment to furnishing employment and a place of employment that is safe and healthful for the employees therein.

#### **20.22 Hazard Elimination and Control Methods**

Whenever a hazard is recognized in the workplace the Safety Officer or his or her designee (“Safety Officer”) will, when appropriate, correct, prevent or mitigate the danger through the hierarchy of controls below:

##### **20.221 Engineering Controls**

Whenever reasonably possible, Safety Officer will utilize engineering controls that directly eliminate a hazard by such means as, but not limited to, substituting a less hazardous substance, by isolating the hazard, or by ventilating the workspace.

##### **20.222 Protective Safety Devices**

If true engineering controls are not available, and although not as reliable as true engineering controls, the Safety Officer will use, whenever reasonably possible, protective safety devices such as interlocks, redundancy, failsafe designs, system protection, fire suppression, and warning and caution alarms.



### **20.223 Work Practice Controls**

Work practice controls that may be employed by the Safety Officer in conjunction with relevant Department Heads include hazard control programs, (e.g., lockout/tagout), workplace rules, safe and healthful work practices, personal hygiene, housekeeping and maintenance, and procedures for specific operations.

### **20.224 Administrative Controls**

Administrative controls utilized by the Safety Officer include, but are not limited to, limiting daily exposure to hazards by control or manipulation of the work schedule or work habits; job rotation; and, training.

### **20.225 Personal Protective Equipment (“PPE”)**

PPE is and will be used when all other hazard controls have been exhausted or more significant hazard controls are not reasonably feasible.

## **Section 20.3 Accident/Incident Investigation**

### **20.31 Overview – Incident Severity**

Any set of conditions, human or otherwise, that have caused a near miss or actual injury to a worker or property damage should be looked into. However, the Safety Officer will conduct a *thorough investigation* of the cause of every accident/incident (“Investigation”) which results in any of the following:

1. a fatal injury to one or more employees;
2. a serious injury or illness, including an amputation, full or partial;
3. a serious exposure to hazardous chemicals or other toxic substances; or
4. the inpatient hospitalization of one (1) or more employees.

### **20.32 Objective**

The objective of an Investigation is not to find fault or ascribe blame.

The objective of an Investigation is to determine root causes of an accident/incident which will, in turn, lead to changes in working conditions, procedures, training, equipment and other factors that will prevent or mitigate any reoccurrence of the event.

### **2.32 Investigator(s)**

#### **2.321 Lead Investigator**

The Safety Officer will be the lead investigator of any Investigation.



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The Safety Officer may designate other individuals to assist him or her in an Investigation (“Assistant Investigator”).

### **2.33 Corrective Actions**

Based on findings and lessons learned from the Investigation, the Safety Officer or designee shall initiate and otherwise take such steps and measures as may be necessary to prevent and/or mitigate, as appropriate, any reoccurrences of the accident/incident.

