



CITY OF MISSOULA

HUMAN RESOURCES POLICY MANUAL

Administrative Rule #4

Effective 6/15/2025

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Approval: I hereby sign into effect Administrative Rule No. 4, Human Resource Policy Manual pursuant to Ordinance 2232 which authorizes the Mayor to develop and approve administrative rules.



Andrea Davis, Mayor

Source/Owner: Human Resources Department

Prepared by: Angela Simonson, Chief Human Resources Officer

Replaces: Administrative Rule No. 4 effective

Applies to: All City Employees and volunteers

ATTEST



Claire Trimble (Jun 10, 2025 16:41 MDT)

City Clerk

NOTE: Highlighted sections indicate new or significant changes to previous policy.

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100.00 General Provisions and Work Rules

101.00 Purpose

The purpose of the Human Resources Policy Manual is to establish a uniform system of human resources administration for the City of Missoula that is efficient, fair, equitable, and functional. This manual describes policies, guidelines, and conditions of employment for City personnel. Concurrently, Human Resources Policies should not be construed as a contract between the City of Missoula and its employees.

102.00 Inclusive, Accessible and Discrimination Free Workplace

102.10 Respectful and Inclusive Workplace

The rules in this Manual are intended to align with the City's values. The rules must be interpreted and applied in light of the City's pledge to its personnel to provide inclusive and accessible workplaces. To that end, the City of Missoula is committed to strengthening social equity by treating all persons with fairness, justice, and equality; respecting individual differences, rights, and freedoms; fostering, and preserving a culture of inclusion and belonging. We embrace and encourage our employees' differences that make our employees unique and promote proactive efforts to increase full inclusion of persons with diverse characteristics.

It is the policy of the City of Missoula to eliminate any practice or procedure that illegally discriminates or results in disparate treatment of protected classes of individuals as provided by law. Equal opportunity shall be provided for all City employees during their terms of employment. All applicants for City employment shall be employed based on their qualifications and abilities.

The City opposes all forms of discrimination and harassment and promotes inclusion, accessibility, cultural competence, and other efforts to reduce disparities in opportunities and ensure the inclusion of underrepresented groups. Our commitment is intended to promote equal opportunity in all employment practices for the City of Missoula, its employees, trainees, and applicants.

102.20 Non-Discrimination and Harassment Prevention

The City of Missoula is dedicated to a policy of non-discrimination and has zero tolerance for workplace discrimination. No individual shall be discriminated against with regard to compensation, terms, conditions, or other privileges of employment because of race, ancestry, color, mental or physical disability, religion, national origin, sex, age, marital or familial status, socio economic status, criminal conviction history, creed, vaccination status, physical condition, genetic information, political ideas, sexual orientation, gender identity and/or gender expression, except where these criteria are reasonable bona fide occupational qualifications.

The City is committed to Equal Employment Opportunity (EEO) recruitment guidelines as promulgated by federal and state law. All provisions of this manual shall be administered in accordance with the provisions contained in the Equal Employment Opportunity Guidelines where such guidelines are applicable and relevant.

Illegal discrimination and harassment in employment is prohibited under The Montana Human Rights Act, Title 49 MCA; Title VII of the Federal Civil Rights Act of 1964; other Federal laws; and City of Missoula Ordinance 3428. The City of Missoula is committed to equal employment opportunities for all employees. The City promotes and affords equal treatment and services to all residents, employees, and representatives. The City assures equal employment opportunity regardless of race, ancestry, color, mental or physical disability, religion, national origin, sex, age, marital or familial status, creed, vaccination

status, physical condition, genetic information, political ideas, sexual orientation, gender identity and/or gender expression, except where these criteria are reasonable bona fide occupational qualifications. The City promotes equal employment opportunity without discrimination or harassment in the workplace, in person, or via electronic communication, such as: email, texting, social media, etc.

Discrimination and harassment of a protected class will not be tolerated. Individuals have a right to work in a professional environment that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, employees are expected to act in a professional, cooperative, and respectful manner to all contacts, such as: supervisors, co-workers, vendors, and members of the public.

Definitions of Harassment

Harassment is a form of discrimination and is unwelcome conduct that is based on a protected class. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Examples of harassment might include, but are not limited to, the following examples: offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, intentional exclusion, offensive objects or pictures, and interference with work performance.

Harassment can occur between co-workers, supervisor to employee, employee to supervisor, employee/supervisor to vendor/resident, or vendor/resident to employee/supervisor.

Reporting Discrimination and Harassment

Any employee who perceives a conversation or event as discriminatory or a form of harassment, whether the employee is involved or merely observing, should document and report the behavior at an early stage, to prevent escalation. Please contact Human Resources if you are uncertain.

1. Explain to the offender in a calm, but firm manner that the action is perceived as inappropriate, and the employee wishes the behavior to stop. If an employee feels unsafe addressing the offender directly, they may skip immediately to step two (2) below.
2. Should the behavior continue, the employee should report the activity to their supervisor or the Human Resources Department immediately.

Reporting of all perceived incidents of discrimination or harassment is encouraged by staff and mandated by managers. Reported incidents will be promptly and thoroughly investigated by the Human Resources Department with due regard to confidentiality. The results of the investigation will be communicated to the complainant and the offender. If illegal discrimination or harassment occurs, appropriate corrective action will be taken.

A follow up review will be completed by Human Resources, if harassment allegations have been made to ensure the harassment has discontinued.

102.30 Retaliation

No hardship, no loss of benefit, and no penalty may be imposed on an employee as punishment for:

- a) Filing or responding to a bona fide complaint of discrimination or harassment;
- b) Appearing as a witness in the investigation of a complaint; or
- c) Serving as an investigator.

Please report any retaliation to your supervisor or the Human Resources Department. Any report of retaliatory conduct will be objectively, timely, and thoroughly investigated by the Human Resources

Department with due regard to confidentiality. Retaliation or attempted retaliation may be subject to disciplinary actions, up to and including termination.

102.40 Disability Accommodations

The City of Missoula is committed to providing equal opportunity and reasonable accommodations to employees with disabilities. The City complies with the Americans with Disabilities Act and all other applicable federal, state, and local laws regarding disability discrimination and accommodation.

Reasonable accommodations are available for the known physical or mental limitations of qualified employees with disabilities. An employee is *qualified* if they can perform essential job functions with or without reasonable accommodation.

For purposes of this policy, a *disability* is any physical or mental impairment that substantially limits a major life activity.

A reasonable accommodation is a modification or adjustment of an employee's job or work environment that enables the employee to perform essential job functions or enjoy the same employment benefits and privileges as similarly situated employees without disabilities. Examples of reasonable accommodations include modifying a workspace to make it wheelchair accessible, providing screen reading software, or adjusting an employee's work schedule to accommodate medical appointments. The City does not provide accommodations of a personal nature, such as: eyeglasses or hearing aids.

Accommodation Requests

The City is committed to providing accommodations so long as the accommodations are effective and do not place an undue hardship on business operations or pose a threat to the health or safety of employees in the workplace.

Employees can request accommodations by contacting the Human Resources Department by phone, in person, or via email.

Employees who request accommodations may be asked to have a physician complete the City's Accommodation Medical Certification Form.

Once the Human Resources receives accommodation documentation, they will schedule an interactive process meeting to learn more and to explore possible accommodations. After this meeting, Human Resources will make an initial determination about the employee's eligibility for accommodations. Human Resources can request additional medical information or have an employee's medical information reviewed by a medical expert to make this initial determination.

If the City finds that an employee is eligible for an accommodation, they will notify the employee with offering of accommodation(s) and ask for the employee to accept or deny such offering. Once accepted the City will approve the accommodation(s) and notify the employee and their supervisor.

Employees who are denied accommodations are notified of the denial and the basis for the denial.

Accommodations are reviewed annually. As part of the review, employees can be asked to provide updated medical information to demonstrate that the need for accommodations is ongoing.

Employees who have questions about the accommodation process should contact the Human Resources Department.

Confidentiality

All information obtained by the City concerning medical conditions or history of employees, including genetic information, is maintained in separate medical files, and treated as confidential records that are disclosed only as permitted by law. Human Resources representatives and supervisors who have knowledge of employees' medical information are prohibited from sharing such information unless others need to be informed.

Anti-Retaliation

Retaliation for requesting accommodations is prohibited.

103.00 Sustainability

The City of Missoula is committed to responsible stewardship of our natural, financial, and human resources. This commitment arises from a sense of community concern and moral duty, and from a desire to lead by example. As such, municipal decisions and service utilize the triple bottom-line approach: considering economic, environmental, and social factors to guide planning, decision making, and procedure. This approach reflects our community values and helps ensure Missoula remains one of the best cities in which to live, work, and play well into the future. The City of Missoula has formally committed to reducing operational carbon emissions to zero and has a dedicated team of climate specialists advancing this goal through a number of initiatives and strategies. The City encourages every City employee to foster not only an internal workplace culture that is supportive of these values and goals but challenges employees to take them back to each community to which they belong.

104.00 Ethics and Conflicts of Interest

The City has established a Code of Ethics (Title 2, Chapter 2.88, Missoula Municipal Code.) The Code of Ethics establishes standards of conduct to assist public officers, officials, and employees in understanding their obligation to assure impartiality and honesty in all public transactions and decisions. The Code ensures the private conduct and financial interests of public officers, officials, and employees do not present a real conflict of interest in their responsibilities to serve the public. If an employee questions whether they may have a conflict of interest, they are to bring the question to the attention of their immediate supervisor, Department Director, or the Human Resources Department for evaluation and assistance.

105.00 Conflict of Law

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

106.00 Severability

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

107.00 Work Rules

City of Missoula employees shall observe and follow all work rules established by the employer. These work rules serve as a guide to behaviors for all personnel carrying out our shared mission and vision defined within the City of Missoula Strategic Plan. These rules are intended to be used as a whole and in conjunction with one another. The employer reserves the right to require all employees and volunteers to read work rules and to sign a written acknowledgment that they have read such rules or revisions to these rules. The following work rules are not intended to be all-inclusive:

- A. Employees shall be honest and trustworthy in all interactions with their employer and in carrying out their work duties and responsibilities. Employees shall not falsify records, reports, claims, or any other official City documents. Employees shall provide honest, accurate, and complete responses to questions or requests for information that pertain to employer investigations or inquiries.
- B. Employees shall not engage in illegal discrimination, including harassment, that is based on race, ancestry, color, mental or physical disability, religion, national origin, sex, age, marital or familial status, creed, vaccination status, physical condition, genetic information, political ideas, sexual orientation, gender identity and/or gender expression.
- C. Employees are required to maintain the minimum qualifications for the position in which they are employed, e.g. licensure (including drivers' licenses), certification, etc. Employees who are required to drive a city or personal vehicle for work must be insurable by the City's insurance carrier as a condition of initial or continued employment.
- D. An employee shall not operate any City of Missoula motor vehicle, or any other motor vehicle within the scope of City employment, while the employee's driver's license is expired, canceled, suspended, or revoked. An employee who holds a position requiring a driver's license shall immediately notify the employee's supervisor of any cancellation, suspension, or revocation of the employee's driver's license.
- E. Employees shall not engage in unlawful activity while on the job and shall not disregard safety or security policies, or behave in an unsafe, reckless, careless, injurious, or negligent manner.
- F. Employees shall act without partisanship or favoritism and shall not behave in a discourteous, disrespectful, disruptive, or otherwise inappropriate manner toward other employees or members of the public.
- G. Employees shall not be insubordinate by refusing to follow a direct, job-related order from the employee's supervisor.
- H. Employees shall not engage in unapproved solicitation while on the job.
- I. Employees shall not possess unauthorized firearms or weapons on City premises. Weapons safely stored and secured in a personal vehicle used only for transit to and from work may not be accessed or handled by the employee during work hours, unless authorized. Such weapons must be safely secured out of plain view in a locked location, e.g., glove box, trunk or safe.

Sworn police officers are authorized by the Chief of Police. Any other employee wishing to receive authorization for carrying/possessing weapons on City premises must receive such authorization from the City Risk Manager or the Chief Human Resources Officer. See City Weapons Procedure for details.

- J. Employees shall not, directly, or indirectly, maintain employment that conflicts with the interests of the City or that interferes with the employee's ability to engage in or perform city employment duties and responsibilities. Outside employment may constitute a conflict of interest if:
 - it interferes with or adversely affects the performance of any City duties and or responsibilities;
 - it is conducted or solicited on City time;
 - any City-owned equipment or facilities are used in pursuit of the outside interest; or
 - the nature of the duties with the City place the employee in a position to exercise influence that may enhance the outside interest.
- K. Employees shall not disclose or use confidential information acquired in the course of official duties to further the individual's personal economic interests. Employees shall not use their position for personal gain; shall not have any financial interests in the profits of any contract, service, or other work performed by the City; and shall not personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company. A City employee shall not use the employee's position to inappropriately coerce another person. A City supervisor shall not appoint or employ a relative, romantic interest, or other person if it would result in a conflict of interest or violate state or local nepotism laws.
- L. Employees shall not accept a gift of substantial value or a substantial economic benefit tantamount to a gift. "Substantial value" is defined in Section 2-2-102(3) MCA.
- M. Employees shall not abuse public trust, behave in an unethical manner, or engage in any other behavior or conduct that is prohibited or proscribed by any applicable law or other City policy.
- N. No supervisor shall have intimate/romantic relationships with anyone within their direct supervision, chain of command, or whose terms and conditions of employment they may influence.
- O. Employees shall not enter a City facility that is closed for business, after hours, for non-work-related reasons without supervisor approval/notification.

108.00 Safety

The City of Missoula strives to provide safe working conditions for its employees. Administrative Rule #12 delineates the City's Safety Policy. Please refer to this full document for more complete information. This policy was created to provide safe working conditions by reducing accidents in the workplace. The City-wide Safety Committee coordinates the safety program.

Each employee is responsible for maintaining safe and healthy working conditions in their work area and promptly reporting unsafe working conditions or practices to their immediate supervisor and/or safety representative. Employees are required to follow all safety directives, procedures, laws, and ordinances which have a bearing on safety in the workplace, and to develop the knowledge and behavior that fosters safety.

Supervisors will work at all times to control injuries, accidents and minimize hazards. The supervisor will:

- Assume reasonable responsibility and accountability for safe and healthful working conditions for employees under their jurisdiction.
- Make recommendations for the correction of deficiencies present in facilities, work procedures, employee job knowledge, behaviors, or attitudes that adversely affect the safety of the City's employees.
- Enforce safety rules and recommend or take appropriate disciplinary action when employees do not conform to such rules.
- Provide instruction and training to employees about specific work hazards.
- Cooperate with inspectors in shutting down operations considered hazardous to employees.
- Act upon safety suggestions, observe working conditions and methods that prevent possible safety hazards, and set a good example by working safely themselves.
- Investigate all accidents and take necessary corrective action.
- Promptly report all accidents to the appropriate authority regardless of the extent of injury or property damage.

108.10 Workplace Violence

The City of Missoula shall not tolerate any type of workplace violence committed by or against employees or the public. The following behaviors, while not all-inclusive, are examples of violent behavior:

- causing physical injury to another person;
- making threatening statements, remarks, gestures, or expressions;
- engaging in aggressive, hostile, or coercive behavior that communicates a direct or indirect threat of physical harm or creates a reasonable fear of injury to another person;
- possessing an unauthorized weapon while at work (authorization for weapons, by staff other than sworn police officers, must be requested to the Risk Manager or Chief Human Resources Officer); or
- writing or sending threatening notes, letters, e-mails, social media posts, or texts.

Any City employee who commits such acts may be removed from the workplace immediately and placed into paid administrative leave (pending investigation), and may be subject to disciplinary action, including termination, criminal prosecution, or both.

Employees who observe or experience violence in the workplace should immediately report it to a supervisor or department head. Supervisors or department heads who receive such reports should

contact the Department of Human Resources regarding investigating the reports and initiating appropriate corrective action. Threats or assaults that require immediate attention shall be reported to 9-1-1.

108.20 Accident Reporting Procedure

All City related accidents, personal injury or vehicle accidents shall be reported on appropriate departmental forms within twenty-four (24) hours to the department head and the City Risk Manager. All vehicle accidents must be immediately reported to the Police Department for their investigation.

109.00 Drug and Alcohol Policy

The City of Missoula is committed to maintaining a safe, healthy, and productive work environment that is drug and alcohol free. Substance abuse increases the potential for accidents, absenteeism, substandard performance, and poor employee morale. Impaired judgment of employees may have serious financial consequences for the City through increased risk of accidents, potential accident liabilities, increased Workers' Compensation liabilities, and potential faulty decision-making. Substance abuse undermines the City's mission to provide the community with an excellent quality of life through leadership, communication, and delivery of services that are responsive to citizen's needs, cost effective, and oriented to the future.

Employees are prohibited from engaging in the unlawful or unauthorized use, possession, manufacture, distribution, dispensing, or sale of any controlled or intoxicating substances, or alcohol, or be under the influence of these substances while at work or in and on work sites. Under the influence is considered to have consumed/ingested/used such substances during work hours or prior to a shift. Supervisors may identify an employee as being under the influence by observation of speech, body language, gait, odors, or observation of consumption. Other than those performing duties requiring a CDL, or in a union with clear testing policy in the CBA, no employee may be sent for reasonable suspicion testing, but may be sent home due to concern of behavior. In consultation with the City Risk Manager.

Employees may not use or be under the influence of medications that include a warning not to drive or operate heavy equipment or similar warning, if they will be driving, using heavy equipment, or engaging in other activities that are potentially hazardous. Compliance with this policy statement is a condition of continued employment for all employees.

Violations of this policy will result in disciplinary action, up to and including termination. Employees are required to notify their supervisor, in writing, within five (5) calendar days of their conviction of a violation of a criminal drug statute occurring in the workplace.

Employees who are required to have a valid Montana driver's license shall notify their supervisor immediately upon the suspension or revocation of their driving privileges due to drug and/or alcohol related offenses. Suspension or revocation of an employee's driver's license may lead to disciplinary action up to and including termination. Supervisors are responsible for notifying the Human Resources Department, in writing, immediately upon notice from an employee, in violation of this policy.

In compliance with the U. S. Department of Transportation (DOT) regulations 49 CFR Part 382, 391, 392 and 395, the City shall maintain drug and alcohol testing programs for employees who are subject to CDL requirements and perform safety sensitive functions. See City Drug and Alcohol Testing Policy for details regarding CDL testing.

110.00 Residency

110.10 First Responder Residency

Police officers and firefighters may be required to live within so many miles or driving distance per Missoula Municipal Code. Please reference Title 2, Chapter 2.80 of Missoula Municipal Code for more details.

110.20 Senior Leadership Residency

Per Title 2, Chapter 2.82, the following members of Senior Leadership Team are required to live within a forty-five (45) minute drive to city limits. This includes directors/chiefs of the following departments:

- Police
- Fire
- Central Services
- Parks and Recreation
- Public Works and Mobility
- Community Planning, Development, and Innovation
- Human Resources

110.30 Residency for Teleworking Staff

Any staff who regularly teleworks must have a telework agreement, per the telework procedure, and must reside within the state of Montana. Occasional telework such as approved vacations outside Montana state where work time is requested by management does not apply to this requirement. Such out-of-state teleworking arrangements will normally be less than one month in duration. See Telework Policy outside this Admin Rule for more details on requirements for agreements.

111.00 Employee Notification/Emergency Contact

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

If the employee has not provided their supervisor with current information as to how to reasonably and timely contact the employee when away from work, the employee shall have no right or benefit arise out of the fact that the employee could not be reasonably and timely contacted, and another employee was contacted to perform work instead.

112.00 Media Guidelines

The City works hard to cultivate and maintain good relationships with all Missoula news reporters. Employees are to refer reporters to their supervisor, the Communications Director, or another communications specialist.

113.00 Emergency Closure

If the Mayor or their designee determines that City offices must be closed because of employee health or safety concerns, or in the interests of public safety, the decision will be announced as soon as is practicable. The announcement will include the effective time and date of the closure, and its anticipated duration. Department heads will be responsible for notifying employees of the emergency closure.

Employees notified at least one hour prior to their scheduled starting time not to report as a result of an emergency office closure may use accrued leave or take leave without pay. Employees who: (1) are not notified of the emergency closure and report to work, or (2) are notified of the emergency closure less than one hour prior to their scheduled starting time but are not permitted to report to work or remain at work, will receive two hours of pay at their regular rate. In addition, they may use accrued leave or take leave without pay for the balance of their regular workday.

If an emergency office closure occurs during an employee's regular working hours, the employee will be paid for all hours of work up to the announced time of closing, but in no case will the employee be paid for less than two hours.

Employees whose regular job duties involve public safety may be required to report to work. Employees who perform work during an emergency closure will be compensated at their regular rate of pay for all hours up to 40 in a work week. Compensation for hours in excess of 40 shall be in accordance with Section 401.00, Hours of Work and Overtime Rules.

114.00 Chemical Sensitivities Guidelines

Some of the City of Missoula's employees and visitors are sensitive to chemical-based scented products and become ill when exposed to them. Because the City is dedicated to providing a barrier-free environment for its employees and residents, we are requesting your cooperation in the following areas.

The City of Missoula requests that all offices and spaces used by the City organization remain free of chemical-based scented products. Specific points to this request include:

- Refrain from wearing perfume, scented body spray, or cologne in the workplace;
- Use non-scented body products (i.e. lotion, hair spray);
- Refrain from the use of option items in office areas that give off chemical-based scents (i.e. air fresheners, potpourri);
- Air-out recently dry-cleaned clothing before wearing;
- Use non-toxic cleaning products, disinfectants, and paints that are commercially available, and store these products in tightly closed areas away from "traffic" areas.

Employees requiring actions beyond the scope of these guidelines should contact the City's Human Resources Department.

115.00 Video Cameras in the Workplace

No one shall install a video camera in the workplace, other than computer cameras administered by IT, without first consulting the Department Director and City Attorney's Office.

200.00 Human Resources Administration

Under Chapter 2.02 of the Missoula Municipal Code, the Mayor is directed to administer all City human resources actions, including the right to establish, administer, and amend the provisions of this manual. The Human Resources Department shall be responsible for developing, communicating, providing training/education, recording/monitoring and enforcing City human resources policies, recruitment procedures, pay plan policy, and EEO/Affirmative Action programs.

201.00 Employment Records

Human Resources shall maintain formal employment records for all City employees. An employee shall notify Human Resources if there is a change in the employee's name, address, telephone number, or other personal data necessary for general City business. The City of Missoula is a public employer, and employment information that is available to the public includes, but is not limited to, the employee's name, job title, rate of pay, duration of employment, time records showing hours worked, and types of leave taken.

201.10 Formal Employment Records

City of Missoula employment records, both electronic and paper, include, at the employer's discretion:

- Documents that define, reflect, or change job status, job evaluation or classification, job title, conditions of employment, pay or benefits;
- Compensation, job history, and payroll/time keeping records;
- Pre-employment applications and related materials, such as: resumes, education transcripts, certifications;
- I-9 forms;
- W-4 forms;
- Performance evaluations;
- Written commendations (subject to supervisory approval);
- Disciplinary action records resulting from an investigation are part of the employee personnel records and are confidential. Other documented information related to an investigation, while not part of an employee record, will be treated as confidential information to protect the privacy of the individuals involved. If a request for the information is made, the Chief Civil City Attorney will review the information and balance the merits of public disclosure against an individual's right to privacy to determine whether the information or portions of the information may be released.
- Documentation of any disciplinary action or warning, which may be removed in accordance with Section 209.00, a Collective Bargaining Agreement, and employee responses to such actions or warnings;
- Termination-related information;
- Information of a confidential nature pertaining to employee benefits and withholding authorizations. This information is available only to the employee and to the staff of the Human Resources Department; and
- Any other relevant employment-related documents or information.

An employee's medical information is not a public record. An employee's medical information is confidential and private and kept in a separate file which is available only to the employee and to the staff of the Human Resources Department.

Nothing in this policy requires that paper copies of employee's files be maintained by the employer, or otherwise restricts the employer from maintaining electronic files.

The employer reserves the right to decide what records to maintain, and to remove any materials from any employee records that the employer deems unnecessary, irrelevant or superfluous.

Human Resources shall be responsible for maintaining all formal employment records, but may delegate that responsibility to other departments to maintain certain records that are specific to that department's needs, including, but not limited to training or certification records.

201.20 Access to Employee Files

All employee personnel records are managed by Human Resources. An employee file is available only to the active employee and to appropriate supervisory personnel. Employees may submit a written request to Human Resources to receive an electronic copy of their personnel file. Appropriate supervisors may submit a written request to Human Resources to have access to view an employee's personnel file in the Human Resources office. Access to an employee file by persons other than the employee, appropriate supervisory personnel, and Human Resources staff must be authorized in writing by the employee or by court order. Requests from terminated employees to access their personnel file will be at the sole discretion of Human Resources or by court order. Human Resources shall inform the employee when a valid court order has been received directing access to an employee's personnel record. Requests by terminated employees must be made through a public records request and are subject to charges for public records set by the Clerk's office. Former employees may not request additions or removal of any formal employment records. When an employee terminates employment, the employee file will be retained in accordance with City of Missoula records retention policy.

202.00 Position Classification and Compensation

202.10 Classification of Non-Union Positions

A. City of Missoula Positions

Each employee shall be assigned to a position. The duties and responsibilities of that position shall be included in a written job description that is approved and maintained by the Human Resources Department. Every City of Missoula position must be identified in the City of Missoula budget with an appropriate full-time equivalency (FTE) and budget appropriation that is sufficient to fund the total compensation for that position.

B. Job Evaluation-Classification

The City of Missoula Human Resources Department shall implement and maintain a formal job classification method to establish a hierarchy of pay ranges and place non-bargaining unit positions into those pay ranges. In general, positions with the same title will be placed in the same pay grade, and positions will be grouped together and assigned to pay grades based on the similarity of assigned work, the occupational category, the complexity and/or inherent difficulty of the work, qualifications required to do the work, and market rates.

C. Classification Reviews

A City of Missoula department head may request a position review by submitting a classification review form along with an updated Job Description to Human Resources. The Human Resources Department shall determine whether or not to conduct a review, which may include a determination regarding:

- Whether or not a position description adequately or accurately describes the work performed by an employee in a position, and if not, whether revising the job description accordingly should result in placing the job in a different pay grade;
- Whether or not, based on demonstrated recruitment or experience, the pay grade to which the position is assigned is adequate to attract qualified and capable applicants.

Upon the completion of a classification review, HR will communicate to the manager and department head the decision for pay plan grade placement changes, if any.

When a position is determined to be reclassified, the effective date of such classification shall be the beginning of the pay period the request was received. All wage changes follow the non-union pay plan policy.

D. Appeal of Decision

A department head may request an appeal by emailing the CHRO requesting a reclassification within ten (10) working days from the date HR sends the classification decision.. Such appeals will include an objective reclassification review by a different trained classifier or an approved outside of the City classifier at the cost of the requesting department. The appeal is the final decision.

202.20 Compensation

A. Non-Union Pay Plan

The City of Missoula has adopted a formal compensation philosophy which can be found in Administrative Rule #38 - Pay Plan Policy. Details on pay progression, pay exceptions, and market surveys can be found in this same policy.

Non-Union Intermittently scheduled staff, Short Term Workers, and Interns may have a separate pay plan from the Non-Union Classified Pay Plan. Approved annually by the Human Resources Department, these pay plans are independently managed by the home department.

B. Union Pay Plans

Each individual bargaining unit has negotiated specifics of their contracts, which includes wages for each position. These contracts will be honored as agreed upon.

203.00 Recruitment and Selection

The City of Missoula is dedicated to Affirmative Action, non-discrimination, and Equal Employment Opportunity Guidelines. Recruitment shall be designed to ensure that selection is made from the best-qualified candidates applying for the position. The Human Resources Department and the department staff member designated to oversee recruitment shall have joint responsibility for handling the duties and responsibilities associated with recruitment.

Definitions:

Applicant

An individual who has followed the agency's standard procedures for submitting the required application materials such as: a resume, cover letter, application form, or other documentation.

Competencies

means a set of measurable and observable knowledge, skills, abilities, and behaviors that contribute to success in a job.

Job-related

Criteria shown by a job analysis to be directly related to specific duties or to a necessary job qualification or competency.

Qualifications

The minimum requirements needed to perform the job on the first day of employment, including the education, experience, and competencies associated with successful job performance.

Vacancy announcement

A recruitment posting, including the job duties, qualifications, and application instructions. Vacancy announcements are also called requisitions.

New Hire

A new hire who successfully gained initial employment with the City.

Promotion

A promotion occurs when an employee is placed in a position with a different job title in a higher pay range than the employee's former position, and the employee's base pay rate increases as a result of this change. Promotions for regular positions must result from a competitive recruitment process or be part of an established Career Ladder move.

Demotion

A demotion occurs when an employee is placed in a position with a different job title in a lower pay range than the employee's former position, and the employee's base pay rate decreases because of this change.

Demotions may be voluntary, such as when an employee applies for and accepts a position at a lower pay rate, or involuntary when an employee is demoted for budgetary, administrative, or disciplinary reasons. An example of an administrative demotion is when a City department reorganizes and no longer needs a position at the level of the employee's former position. Pay for demotions will follow pay plan rules.

Transfer

A transfer occurs when an employee accepts a different position or the same position in another department within the same pay grade. A transfer generally does not result in a change in the employee's base pay rate. Transfers may be voluntary or involuntary.

Temporary Assignment

An employee may be temporarily assigned to a position in a higher pay range (for example, to cover for a supervisor who is absent). When such temporary assignments last at least two full workweeks, the employee's base pay rate may, upon department head approval, typically be increased by five (5) percent or to the entry level of the new grade, whichever amount is greater, for the duration of the assignment. A department head who approves such an assignment shall provide written notice to the Human Resources Department.

Training Assignment

When no applicants for a vacant position meet the minimum qualifications listed, or when a position requires in-depth, specialized training, the supervisor may request the approval from the Human Resources Department to develop an on-the-job training assignment. Such assignments are subject to the following guidelines:

- Conditions of the assignment shall be stated in writing and the agreement signed by the employee, supervisor, and department head.
- The written training assignment shall state the training plan to be utilized and the anticipated

duration of the assignment. A training assignment shall not exceed one year.

- The pay rate for a new or probationary employee will be set by the supervisor at a rate that is generally 10% below the minimum rate of the pay range of the position. Upon completion of the training assignment, the employee's rate shall be adjusted to the base of the grade or to the rate set forth in the written training assignment.

203.10 Recruitment and Selection Process

Recruitment guidelines shall be followed unless the Human Resources Director and/or the Chief Administrative Officer have granted a waiver altering the process.

The Human Resources Department will initiate the recruitment using the standard applicant tracking platform, unless an alternative method is approved by the Human Resources Department.

The Hiring Manager shall develop the selection procedures before any review of applicant qualifications. Each selection procedure must be job-related and based on a current job analysis. Hiring Managers shall review the written job description to ensure it accurately describes the current job duties, competencies, education, and/or experience to perform the job. The selection procedures must include defined processes measuring the applicant's suitability for the position based on the job requirements and competencies necessary to perform the position.

The hiring manager will screen the applications, based on criteria agreed upon in consultation with Human Resources. If there is a disagreement between the recruiting department and the Human Resources Department about which candidates to recommend for an interview, the parties will attempt to reach agreement through consultation and discussion. The Chief Human Resources Officer shall have final authority to resolve any disagreement between the parties.

The hiring manager shall conduct interviews with the best-qualified candidates. All interview panels must be diverse in the makeup of the panel members with strong consideration of including others from another department to participate. The Human Resources Department will assist in developing interview questions and may participate in interviews. The Human Resources Department must authorize job offers prior to extending them to prospective candidates. The City's Pay Plan policy or applicable Collective Bargaining Agreement must be followed when setting wages for incoming staff.

All applicants who apply, regardless of interview status, will be notified by the Human Resources Department immediately once all FTE in the open recruitment is filled. The recruitment is closed once all vacant FTE have been filled as stated on the original requisition request.

All paperwork associated with the recruitment, including, but not limited to, applications, interview summary, and interview notes must be returned to the Human Resources Department prior to submitting an offer of employment.

203.20 Initiating a Recruitment Process

The recruitment process begins when the Human Resources Department receives a request to fill a vacancy (requisition) from the hiring manager or department head in conjunction with a letter of resignation from the employee currently in the position or other substantiation that the position is vacant. The Human Resources Department must receive a copy of the resignation notice prior to beginning the recruitment process.

In the case of a newly created and budgeted position, the recruitment process will begin when the department/division head notifies the Human Resources Department the position is authorized to be filled and only after the position is fully classified by the Human Resources Department.

The Human Resources Department will maintain hiring guidance that clearly outlines required steps and best practices for the recruitment and hiring process. All Departments are to follow such guidance to ensure proper administration and risk management of the hiring process.

203.30 Internal Recruitment

All current employees are eligible to apply for positions open as a City-wide recruitment. Seasonal, temporary, and intermittent status employees actively on the payroll at the time the City-wide recruitment notice is posted shall be considered eligible to apply for a position open to City-wide recruitment. Internal Recruitment means the open, competitive solicitation of applications that at a department's discretion is limited to:

- Current employees of the City, Department, or other appropriate internal unit, or those employees eligible under layoff/recall

The posting period shall be no less than five (5) working days and must have a hard closing date.

Based on a consideration of the City-wide applicants, the department/division head may decide to open the position up to outside applicants and consider the City employee applicants with the entire applicant pool.

203.40 External Recruitment

If the department/division head decides or the Human Resources Department recommends expanding the applicant pool beyond City employees, the Human Resources Department will publicize the position vacancy through applicable recruitment sources. Each department is responsible for covering the cost associated with advertising. All External Recruitments will be posted for a minimum of seven (7) calendar days and can be posted as one of the following:

- Priority Screening Date which clearly lets applicants know that applying by this date guarantees their application will be reviewed. Applicants applying after a priority screening date are only considered and shared with a hiring manager if all other applicants fail to meet qualifications, the pool is determined not to be competitive or after interviews top candidates turn the position down.

If a manager decides the pool is not competitive, they will notify HR of this prior to conducting any interviews. At this point the recruiter will continue to send candidates who apply after the screening date until a competitive pool is reached. At that point, the recruitment will be closed and interviewing will begin.

- Hard Closing Date which clearly lets applicants know they must apply by this date. The Recruiting Specialist can notify a hiring manager within a few days of a hard closing date if there is not an adequate applicant pool and make a recommendation to extend the closing date.
- Open Until Filled status will only be considered under special circumstances and with the CHRO approval.

Following the close of the application period, the Hiring Manager will screen the applications based on the minimum qualifications and agreed upon criteria. If there is a disagreement between the

Department and the Human Resources Department about which candidates to recommend for an interview, the parties will attempt to reach agreement through consultation and discussion. The Human Resources Director shall have final authority to resolve any disagreement between the parties.

203.50 Veterans' Employment Preference

The City of Missoula will provide preference in employment to eligible disabled veterans, other veterans, and certain relatives as required in Section 39-29-101, et seq., Montana Code Annotated (MCA). It shall be the responsibility of the Human Resources Department to administer preference when filling vacancies. Veterans' preference applies only to the initial hiring into the city. Veterans' preference will be granted for qualified applicants who submit their preference materials prior to the vacancy notice closing.

203.60 Disability Employment Preference

Preference in employment will be given to eligible individuals with disabilities and certain spouses, when they are substantially equal in qualifications to others applying for initial appointments to positions as required in Section 39-30-101, et seq., MCA. It shall be the responsibility of the Human Resources Department to administer preference when filling vacancies. Disability preference applies only to the initial hiring into the city. Preference will be granted for qualified applicants who submit their preference materials prior to the vacancy notice closing.

203.70 Reference and Background Check in Hiring Process

No employee may be hired into the City without completing a reference check and in some cases a criminal background check. First responder positions undergo an extensive background investigation following department rules. All other positions must have Human Resource Department conduct a reference check and indicate passing prior to an offer being made.

Positions that work with children are required to undergo a criminal background check following the Hiring Department's written and approved procedures.

Positions requiring regular driving for the city are required to undergo a driving record check.

The Human Resource Department manages all criminal background and driving checks for City staff, with the exception of processes for police officers and firefighters.

A supervisor can review the general personnel folder of internal applicants if they are the top candidate for the position.

203.80 Intentional Misrepresentation

The employment process includes notice that information applicants provide is subject to verification. Intentional misrepresentation of facts about an applicant's qualifications, employment history, or other application information may:

- exclude an applicant from further consideration; or
- result in discharge from employment.

204.00 Employee Orientation and Onboarding

The Human Resources Department will conduct a new employee orientation for each new regular, and seasonal status employee. Employees will receive a copy of the Human Resources Policies and information on employee benefits and other applicable information about working for the City. Such information may be provided in an electronic format. The Human Resources Department will provide detailed information on official city-wide onboarding processes that each department will be required to follow.

205.00 Employee Status and Work Schedules

All employees shall be assigned a status for the purpose of determining eligibility for certain benefits of employment with the City of Missoula. The status of an employee shall be understood as a key component of the City's personnel system and is subject to review and assignment by the Chief Human Resources Officer.

Every employee at the City has both a status and a schedule assigned to their position. Such status and schedules are defined below. These terms are used throughout the policy and in numerous city procedures.

205.10 Employee Status Definitions

The following definitions are based on definitions found under MCA 2-18-101 and apply to all employees at the City of Missoula unless otherwise defined in a Collective Bargaining Agreement (CBA). Every employee will be designated with a status and work schedule:

Regular Employee

Means an employee who is hired through a competitive selection process into a position budgeted as a Regular FTE. Regular employees are eligible for accrued leave, paid holidays, and may be eligible for health benefits based on their assigned work schedule.

Temporary Employee

Means an employee who:

- a. is designated as a temporary FTE for a definite period of time not to exceed twelve (12) months regardless of total hours worked in this period;
- b. is terminated at the end of the employment period if not competitively selected for another position;
- c. is not eligible to become a regular employee without a competitive selection process; and
- d. may be hired without using a competitive hiring process.

Temporary employees are eligible for accrued leave, paid holidays, and may be eligible for health benefits based on their assigned work schedule.

Temporary status positions are only renewable with approval from the Human Resources Department and require a layoff period of five (5) consecutive days or more along with full cash out of any accrued leave prior to rehire.

Seasonal Employee

Means a regular employee who:

- a. is designated as seasonal, who performs duties interrupted by the seasons;
- b. is laid off for periods of time and who may be recalled without the loss of rights or benefits accrued during the preceding season.
- c. Seasonal employees are eligible for accrued leave, paid holidays, and may be eligible for health benefits based on their assigned work schedule.

Short Term Worker

Means a person who:

- a. may be hired without using a competitive hiring process;
- b. may not work for more than 90 days in a continuous 12-month period;
- c. is not eligible to become a regular employee without a competitive selection process;
- d. is not eligible to earn the leave and holiday benefits provided in policy;
- e. may be discharged without cause;
- f. Short term workers are not eligible for accrued leave or health benefits.

City Volunteer

With the approval of the department head, an individual may be approved to perform work or provide services as a bona fide volunteer as defined under the 1985 amendment to Fair Labor Standards Act (FLSA), (29 U.S.C. §203(e)(4)(A)). Volunteers are not covered by the City of Missoula health insurance.

Placement of a volunteer must meet all the following conditions:

- Placement of a volunteer does not violate any laws or collective bargaining agreements.
- If volunteer is a current City Employee, they may not perform volunteer service similar to the work they perform while actively employed.
- The volunteer is at least 18 years of age, or if the volunteer is less than 18 years of age, the department head will ensure that adequate supervision is provided by the department or the volunteer organization sponsoring the youth.
- No wages are paid; however, bona fide volunteers may, at the department head's discretion, be paid reasonable expenses, benefits, or nominal fees under applicable Fair Labor Standards Act (FLSA) guidelines ensuring the Code of Ethics is followed prohibiting gifts over the value of \$50.
- No employee may use the Paid Volunteer Time benefit, to perform volunteer services for the City.

Volunteers shall complete a volunteer agreement provided by the department that includes all of the following:

- acknowledgement that the volunteer is not employed by the same public agency to perform the same types of services that the individual is performing as a volunteer;
- acknowledgement of volunteer status that provides no compensation and no health insurance coverage, and whether the volunteer is covered under workers compensation insurance coverage;
- acknowledgement that volunteer status in no way constitutes an offer of employment for current or future job openings; and
- collection of emergency contact information for the volunteer.

205.20 Employee Work Schedule Definitions

Full Time

An employee who normally works at least 30 hours per week on a regular basis. Such schedules are predictable and normally consistent.

Part Time

An employee who normally works less than 30 hours per week on a regular basis. Such schedules are predictable and normally consistent.

Intermittent/Variable

An employee who works a varied schedule on a regular basis. Such schedules are not predictable and are unable to guarantee a minimum number of hours per week.

206.00 Probationary Status

A. A Regular or Seasonal employee is in a probationary status during the period of employment beginning on the initial hiring date. During the probationary period the work performance and conduct of the employee is appraised to determine whether permanent regular or seasonal status will be granted. The probationary period is six (6) months in length. The six (6) month period is measured by time worked. Any time in leave without pay or layoff will not count toward the period.

Temporary and Short-Term Worker employees do not serve a probationary period as their entire term of service is considered probationary due to the temporary nature of the position. If a Temporary or Short-Term worker status employee successfully gains a regular status position, their probationary period will begin on the date of their regular position beginning.

B. An employee may be dismissed at any time during probation if the employee's performance does not satisfactorily meet the required standards of their position. The employee will be given an oral or written communication outlining the cause(s) for probationary dismissal. Prior to dismissal the Manager shall consult with the Human Resources Department.

A probationary period may be extended for up to three (3) months under the following circumstances.

- If an employee has not satisfactorily met the job requirements and the department head is willing to allow more time to meet those standards.
- The Human Resources Department must approve the probationary period extension and strict guidelines will be set forth for the extended probationary period.
- If the probationary employee does not meet the standards during the additional time period, they may be terminated from employment.

207.00 Performance Management

Department heads, managers, and/or supervisors are responsible for performance management in their departments or work units. These individuals shall communicate with employees regarding work processes and work outcomes on an ongoing basis. Communication about work and performance management is a two-way street. The City of Missoula's policy is that, rather than conducting annual performance reviews supervisors and employees will interact regarding work, as indicated below, on a continuous, rather than annual basis.

If a department chooses to use a formal evaluation tool, it must receive approval from Human Resources prior to being implemented.

207.10 Performance Management Processes

Performance management is a system that involves both formal (written) and informal (verbal) communication between supervisors and employees regarding, but not limited to, such topics as:

- Work planning and workflow.
- Assigned duties and responsibilities.
- Day-to-day individual work activities, projects, and priorities.
- Team or group projects and activities.
- Work issues, problems, obstacles, strategies, improvements, efficiencies, and solutions.
- Performance expectations and results.
- Training needs and professional development.
- Work accomplishments and recognition.
- Needed improvements.

Nothing in this policy requires that performance management be conducted in writing. Informal performance management processes, such as routine observation of work behaviors, activities and outcomes by a supervisor, one-on-one discussions between an employee and supervisor about work and work performance, coaching and counseling, appraisal of group or team activities, continuous feedback, problem-solving, goal-setting and goal attainment, negotiating goals and objectives, 360-degree appraisals and self-appraisal, for example, all constitute legitimate performance management under this policy.

While performance management need not be formal, there are situations in which written communication is critical. For example, if an employee's work performance is in such need of improvement that the employee's continued employment is in jeopardy, this should be communicated in writing so that both the employee's poor work performance and the supervisor's expected improvements are made clear. This does not apply in situations where an employee engages in misconduct for which prior disciplinary warning is not appropriate, warranted or required.

Performance management may assist supervisors in making decisions regarding various employment actions, such as: job assignments, promotions, compensation, non-monetary rewards and recognition, assigned duties and responsibilities, training and professional development, succession planning, job redesign, demotions and/or termination.

If an employee disagrees with a written performance evaluation or warning, the employee may respond to the appraisal in writing within 30 calendar days of the date of the appraisal. Both the written evaluation and the employee response shall be included in the employee's formal employment records.

207.20 Performance Improvement Plans

Performance Improvement Plans (PIPs) are used to help employees address and improve performance issues. PIPs are developed in coordination with the Human Resources Department and must include measurable objectives, timelines, and clear expectations for improvement. Written Performance Improvement Plans (PIP) are not disciplinary in nature on their own. They may be used in conjunction with formal or informal disciplinary action or be used in an attempt to avoid discipline. PIPs are delivered and administered by the employee's direct supervisor, who is responsible for monitoring progress and providing support and feedback throughout the duration of the plan.

At the end of the term for a PIP, a written follow up will be provided stating whether the expectations were met (successful PIP), if an extension is granted and the reasons, or whether the PIP failed to assist the employee in meeting the expectations and the associated consequences. If a PIP is successfully completed, a formal memo stating the PIP is complete will be attached to the document and retained in the personnel file.

All PIPs are to be reviewed by the Human Resources Department and must include the following:

- Reason for the PIP;
- Length of the review period;
- Expected remedies to stated concerns;
- Consequences for failing to meet the expectations within the stated deadlines;
- Commitment/follow thru by manager.

208.00 Employee Separation

Employee separation means the ending of an employment term with City service for either voluntary or involuntary reasons. Regardless of the reason for employment separation, staff shall return all city property by the last day of employment. Failure to do so may result in the City taking collections action.

208.10 Resignation

An employee may resign in good standing by submitting a written resignation to the supervisor stating the reasons and the effective date of resignation at least two weeks prior to the effective date, unless extenuating circumstances require a shorter period. Failure to comply with this requirement may be cause for denying future re-employment with the City.

208.20 Layoff Procedure

A layoff is the involuntary termination of an employee because of a lack of work, lack of funds, elimination of a position, or any other situation where continuing to fund a position would be inefficient or non-productive.

In selecting employees for layoff, the employer will first determine which position or combination of positions will best enable a department to meet its objectives after a layoff or funding reduction. Should the employer determine that a particular position is to be reduced or eliminated, the employer will provide the affected employee(s) with as much advance notice as possible.

If two or more employees occupy a particular job classification that is to be reduced through a layoff in a City department, the employer will carry out these reductions as follows.

Temporary, Intermittent, Short Term and Probationary Employees

- The employer will layoff or reduce hours for temporary and intermittent employees before laying off or reducing hours for probationary or regular employees.
- The employer will layoff or reduce hours for probationary employees before laying off or reducing hours for regular employees.

Regular Employees

If two or more regular (non-probationary) employees occupy positions in a particular job classification that is to be reduced or eliminated as part of a budget reduction within a City department, the employer will retain the employees who, at the employer's discretion, are most qualified and capable of performing the assigned work. If employees' qualifications and capabilities are substantially equal, the employer will retain employees based on their length of continuous service with the City of Missoula in that job classification.

Leave Benefits for Laid Off Employees

An employee who is laid off may defer cash payment for unused sick and vacation leave for up to one year from the effective date of the layoff. If the employee defers cash payment and is recalled into the same position or hired into another City of Missoula position within the one-year period, the employee will have the leave balances available. Should the employee not be recalled or rehired within a year, payment of accruals will be made according to the sick and vacation leave policies. The employee must decide whether to defer cash payment for accrued leave at the time of separation. If a laid off employee opts for cash payment, such payment shall be made in accordance with the applicable sick and vacation leave policies. Elections of deferred cash payments will be put in a signed written document.

Seasonal employees who will be returning to work after a layoff period are not eligible for a cash payout of sick and/or vacation leave credits at the end of each work season.

Recall

Employees who are laid off under this policy shall have their names placed on a recall list for a period of one year from the effective date of layoff. In the event that the same position in the same department from which an employee was laid off is reinstated, the employer will mail or email a recall notice to the employee at the employee's last known mailing address. The employee will have five working days to accept reinstatement to the employee's former position. If the employee declines reinstatement or fails to respond to the recall notice, the employee's name shall be removed from the recall list and the employee shall have no further reinstatement privileges. The employee is responsible for ensuring that an accurate and up-to- date mailing address or email address (their choice) is on file.

An employee who is recalled under this policy will be considered as continuously employed for purposes of calculating vacation leave, sick leave or any other benefits set forth in these policies that are based on length of continuous service with the City of Missoula. The employee will not accrue additional leave benefits for any time during which the employee was laid off prior to reinstatement. The salary for an employee who is recalled under this policy shall be established at the same relative percentage within the pay range for the employee's position as it was on the date of the layoff.

Preference for Other Vacant Positions

A laid-off regular employee may apply for other vacant City positions. If a laid off regular (non-probationary) employee is qualified and capable of performing the duties and responsibilities of another vacant City position, the employee shall have a preference for that position over all other types of preferences offered other than workers compensation and union membership preference when applicable.

This preference is effective beginning on the date on which an employee is notified in writing of the employee's impending layoff, and extends for a period of one year from the effective date of the employee's layoff. During this preference period, the employer will provide notification of all vacant City positions to laid off employees.

The salary for an employee who is placed in another City position under this policy shall be established in accordance with applicable policy on compensation administration.

208.30 Retirement

A qualified employee may elect to retire in accordance with applicable state law. A retired employee may continue the City's health and dental insurance coverage, provided that premium amounts are paid in accordance with policies established by the plan administrator.

208.40 Involuntary Termination

Involuntary termination is covered by Section 209.00, Employee Discipline and Discharge. Job Abandonment is covered by Section 408.40 No Call/No Show.

208.50 Separation Process/Offboarding

It shall be the responsibility of the supervisor to notify the Human Resources Department of employee separation, as soon as possible, for the separation process to be completed prior to the employee's last scheduled day of employment. Employees will be advised to contact the Human Resources Department prior to departure to complete all necessary documents, an exit interview and to receive information on post-employment insurance and other issues. The Human Resources Department has an off-boarding procedure and forms available for use by all departments.

If a terminated employee fails to return City equipment, the Human Resources Department will send a certified letter demanding property be returned within one week. Failure to return equipment may result in collection actions.

208.60 References on Former Employees

After an employee is separated from the City of Missoula, departments will refer any requests for employment information and reference checks on that prior employee to the Human Resources Department. A signed waiver and release will be required to provide information beyond that which may be accessed by the public. Supervisors may provide personal references for prior employees provided they are identified as such.

208.70 Final Payment for Separated Employees

Final payment for hours worked by a separated employee during a designated pay period will be made in accordance with state law to be within 15 calendar days or the next scheduled pay day, whichever is earlier. Final payment will be made in the same manner as previous paychecks (direct deposit or check) unless the employee notifies Payroll prior to their deadline for payroll changes.

208.80 Retroactive Pay Increases for Separated Employees

Nothing in this policy requires the City of Missoula to provide retroactive payments for employees who separate from City service prior to City approval of a pay increase or adjustment that would have been applied to the separated employee had the employee remained employed by the City.

208.90 Removal of Disciplinary Documents

An employee who separates from service waives any rights to request removal of disciplinary documents from the employee's formal employment records. This waiver commences upon the effective date of separation.

209.00 Employee Discipline and Discharge

An employee who violates City or department policies, fails to perform work in a satisfactory manner, or engages in misconduct may be subject to formal or informal disciplinary action.

209.10 Informal Disciplinary Action

Informal disciplinary action may include coaching, counseling, instructing, correcting, warning, or reprimanding an employee who engages in misconduct, violates work rules or policies, or fails to satisfactorily perform assigned work. Informal disciplinary action does not become part of the employee's employment record. A supervisor may, however, keep written notes related to any informal disciplinary action, and may refer to informal disciplinary action in any subsequent disciplinary action.

209.20 Formal Disciplinary Action

All formal disciplinary action must be reviewed by Human Resources prior to issuance.

Formal disciplinary action may include a verbal reprimand, written warning or reprimand, suspension with pay, suspension without pay, disciplinary demotion, or discharge. The severity of formal discipline will, at the department head's discretion, be based on: (1) the severity of the misconduct, performance deficiency, or disciplinary offense, (2) the employee's formal or informal disciplinary record, or (3) any other relevant, business-related criteria.

Formal disciplinary action should include a detailed description of the performance deficiency or disciplinary misconduct, the behaviors expected of the employee to correct the identified problem(s), and the potential consequences of the employee's failure to make the necessary corrections identified.

Prior to taking formal disciplinary action, the department head or designee should conduct a reasonable investigation to determine: (1) whether the employee's performance was deficient, or (2) whether the employee engaged in the misconduct alleged, and (3) whether there are any mitigating or militating facts and circumstances to consider. The investigation should include interviews with any individuals who can provide relevant information, including the employee whose performance/behavior is alleged to be deficient, or who is alleged to have engaged in misconduct.

The employee whose performance/behavior is alleged to be deficient must be told of the allegations, given a summary of the evidence collected to date and asked to respond. They may choose to respond verbally or in writing.

No employee shall be discharged for disciplinary reasons without first being provided an opportunity for Due Process. This may be offered by either a Due Process Meeting or via written exchange at the choice of the employee. The purpose of Due Process is to: (1) clearly explain the misconduct or performance deficiency alleged as the basis for discharge, and (2) provide an opportunity for the employee to provide any facts or other relevant information that the employee believes the employer should consider before making a final decision. An employee who is subject to a pre-termination meeting may bring a representative to the meeting but may not unduly or unreasonably delay the meeting or written response based on the availability of the representative selected. The representative may ask questions and confer with the employee but may not disrupt the proceeding.

All terminations must be done in consult with Human Resources Department and documented in writing. The employee must be given a copy of the grievance policy.

209.30 Administrative Leave Pending Investigation

Under certain circumstances, a department head may determine that it is necessary to place an employee on Administrative Leave, with or without pay, pending the completion of a disciplinary investigation. In these situations, the leave itself shall not be construed as the final disciplinary action in response to an employee's alleged performance deficiency or disciplinary misconduct. At the conclusion of the investigation, the department head may: (1) reinstate the employee with full back pay and benefits, (2) take informal or formal disciplinary action as described in this policy, or (3) take any other action that the department head deems appropriate based on the facts and circumstances.

209.50 Documentation

All formal disciplinary notices and PIPs must be sent to the Human Resources Department for proper filing.

300.00 Employee Leave and Benefits

The City of Missoula strives to provide employee benefits, which enhance productivity, ensure health and safety, promote personal and professional growth, and create a family supportive work environment.

Employee leave and benefits such as: Holiday pay, sick leave, vacation leave, volunteer leave, and paid parental does not count toward overtime per Wage and Hour law; overtime is calculated based on hours worked being greater than 40 in the listed 7-day work week.

The City may not require an employee to use their vacation time for purposes of illness or injury, but an employee may elect to. With this exception, the normal order in which leave will be used other than that of illness/injury is as follows:

1. Excess Annual Leave
2. Holiday Comp Time
3. Comp Time
4. Vacation

301.00 Vacation Leave

301.10 Eligibility

An eligible employee begins accruing leave on day one. The City of Missoula offers a greater benefit for employees and allows use of accrued leave prior to the listed wait times in State law. An employee may use vacation leave if an accrual balance is available and the employee's supervisor approves such leave. Vacation leave cannot be used without prior approval of the employee's supervisor or department head.

301.20 Rate of Accrual

As provided by State law, each employee shall accrue vacation credits as follows:

<u>Years of Employment</u>	<u>Working days credit</u>	<u>Hourly Accumulation Rate</u>
1 day through 10 years	15 days each year	.05769
10 years through 15 years	18 days each year	.06923
15 years to 20 years	21 days each year	.08076
20 years or more	24 days each year	.09230

Proportionate leave credits shall be earned and accrued at the end of each pay period. Vacation credits shall not accrue during a leave of absence without pay. Years of employment used to adjust the accrual rate will be calculated using the employee's hire date. Employees may be credited for prior Montana public employment by submitting the required documentation to the Department of Human Resources.

Regular, seasonal, and temporary employees shall earn vacation leave credits on a pro-rated basis according to the actual number of hours worked in a pay period. Short Term Workers do not accrue leave.

Seasonal employees who will be returning to work after a layoff period are not eligible for a cash payout of sick and/or vacation leave credits at the end of each work season.

No vacation leave with pay will be granted in advance of credits earned.

301.30 Maximum Accumulation

Annual vacation leave may be accumulated to a total not to exceed two times the number of days earned annually as of the end of the first pay period extending into the next calendar year. Excess vacation time is not forfeited if taken within 90 days from the last day of the calendar year in which the excess was accrued.

If the employee submits a reasonable request to the supervisor to use the excess vacation leave prior to March 30 of any given year and such request is denied, the employee shall not forfeit the leave and will have until the end of the calendar year to use the excess vacation leave. Notice of such denial must be provided to the Human Resources Department by March 31 using the form provided by the department. Employees shall be responsible for monitoring their vacation leave balances to avoid losing accrued hours. Supervisors shall be responsible for providing reasonable opportunities for employees to use such leave.

Effective January 2026 calculation of excess leave: If an employee is granted an extension for excess leave and terminates employment with the city prior to the extension balance being used, zero hours of excess leave shall be paid at time of termination. Such leave was considered forfeited as of 90 days from the first day of the calendar year and therefore is not eligible for payout.

301.40 Vacation Leave on Holidays

Absence from work on a legal holiday shall be recorded as holiday leave and shall not be charged to an employee's vacation leave for that day.

301.50 Vacation Leave for Illness/Injury

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

301.60 Payment on Termination

Upon termination of employment with the City, all vacation leave will be paid out with the exception of excess vacation leave that remains after March 31st of the Calendar Year per a written Excess Leave extension.

Payout of leave may be impacted for positions in an official City VEBA (Voluntary Employees' Beneficiary Association) group. VEBA groups can change over time. HR can verify if an employee's position falls under a VEBA plan that affects Vacation Leave payout.

302.00 Sick Leave

302.10 Eligibility

Regular, seasonal, and temporary employees accrue leave starting on day one and are eligible to use earned sick leave upon receiving accrued time after the first issued paycheck. The City of Missoula offers a greater benefit than State law and will allow use of accrued leave without a waiting period.

302.20 Rate of Accrual

<u>Period of Employment</u>	<u>Per Year</u>	<u>Hourly Accumulation Rate</u>
All years of continuous employment	96 hours	.04615

Regular, seasonal, and temporary full-time and part-time employees shall earn sick leave credits on a pro-rated basis according to the actual number of hours worked in a pay period. Short Term Workers do not accrue sick leave.

Each full-time employee shall earn sick leave credits from the first full day of employment at the rate of one working day per month without restriction on the number of hours that may be accumulated.

Proportionate sick leave credits shall be earned and credited at the end of each pay period, and part-time and intermittently scheduled employees will earn sick leave on a pro-rated basis. An employee shall not accrue sick leave credits during a leave of absence without pay.

No sick leave with pay will be granted in advance of credits earned.

302.30 Use of Sick Leave

Sick leave credits may be granted for:

- Physical or mental illness or non-work-related injury of the employee.
- Illness, injury, medical appointments or death in the employee's immediate family requiring the employee's personal attendance. Immediate family shall mean spouse or domestic partner, parents, grandparents, siblings, children, or grandchildren of the employee or spouse/ partner of the employee, and all corresponding in-law relations or persons whom the employee considers to be members of their family who rely on the employee for care.
- Quarantine for contagious disease control, provided that certification is obtained from the attending physician.
- Leave when the employer determines it is in the best interests of the department or work unit, and public health that the employee remain home while actively symptomatic of a contagious illness.
- Maternity related disability, including prenatal and postnatal care, birth, miscarriage, abortion, or other medical care for either the employee, child, or spouse.
- Doctor or dental appointments for treatment of the employee's illness, injury, or preventive care. When possible, the employee's supervisor shall be notified at least 48 hours in advance.
- To attend or make arrangements for a funeral of a member of the employee's immediate family or, at the supervisor's discretion, another closely related individual, for a period of time not to exceed 10 consecutive working days.
- The placement of a child for adoption or foster care of a child.

302.40 Sick Leave on Holidays and Scheduled Vacations

Sick leave taken on a legal holiday shall not be charged against an employee's accumulated sick leave for the legal holiday. Exceptions may be made for employees scheduled to work the holiday (i.e. public safety employees who are regularly scheduled to work.) Proper medical certification may be required to substantiate such illness. With the supervisor's approval, an employee may substitute sick leave for vacation leave if the employee becomes sick while using approved vacation leave.

302.50 Reporting

The employee shall make a reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the employer

Absences that necessitate use of sick leave shall be reported by the employee to the supervisor or department head as soon as practical. Failure to report such leave within two hours of the employee's regularly scheduled starting time may be considered an unapproved absence and it will be the supervisor's prerogative to approve leave without pay or to require the use of any accrued paid leave. Such unapproved absences are grounds for disciplinary action, including dismissal. In situations where the employee's leave status is unknown and the absence is unreported or unexplained, the supervisor will assign leave without pay, until the appropriate documentation or clarification is received.

302.60 Payment on Termination

Upon termination, an employee shall be paid an amount equal to $\frac{1}{4}$ (one quarter) of the amount attributed to the accumulated sick leave. Payment for accumulated sick leave shall be computed based on the employee's regular rate of pay at the time of separation from the City.

Payout of leave may be impacted for positions in an official City VEBA group. VEBA groups can change over time. HR can verify if an employee's position falls under a VEBA plan that affects Sick Leave payout.

302.70 Abuse of Sick Leave

Abuse of sick leave may be indicated by sick leave that is frequent, habitual, or excessive, suggests a pattern of usage, or if the supervisor has reason to believe the employee may be misrepresenting reasons for using sick leave. Abuse of sick leave may be cause for dismissal or other disciplinary action including forfeiture of payment for any accumulated sick leave.

302.80 Medical Certification

Medical certification may be required at any time to substantiate usage of sick leave by the employee, with the approval of the Human Resources Department and the department head. In such cases, a medical certification is not returned; it will be considered abuse of sick leave.

The Department of Human Resources may require medical certification of an employee's fitness for duty, or fitness to return to duty. A fitness for duty statement or medical certification form may be required when an employee is returning to duty following an absence due to injury, or whenever the department head or supervisor has reason to question the employee's ability to perform all essential duties of their job without restrictions or without risk of injury to self or others. All medical certification information will be maintained by the Human Resources Department and treated as confidential personal health information.

303.00 Donated Leave Banks

303.10 Illness/Injury Donated Leave

Employees who are eligible to use accrued sick or vacation leave may donate sick and vacation leave hours to the Donated Leave Bank. The Donated Leave Bank is for employees, who do not have sufficient leave credits to remain in an active pay status during an extended absence due to personal illness, injury, or medical disability.

Donations of leave will be administered by the Human Resources Department. Forms are available from the Human Resources Department.

303.20 Donor Eligibility and Procedure

To be eligible to donate leave, an employee must be eligible to use the type of leave they are donating and have a minimum balance of 160 sick leave hours if electing to donate this type of leave remaining after their contribution. Annual Leave donations do not require a minimum balance to remain after donation. The minimum leave balance for sick leave will be prorated for part-time employees. An employee may contribute up to 120 hours of sick leave and unlimited hours of annual leave during the calendar year.

The Human Resources Department will send an all-staff email and/or post to the city intranet, at minimum one time per year, or more frequently, if necessary, to ask for donations to the Donated Leave Bank. Staff need not wait for such email to donate.

Staff interested in donating leave must complete the donated leave form, available from the Human Resources Department. All donated leave is immediately forfeited and may not be returned once the signed form is submitted to Human Resources. Donated leave will be removed from the donor's accrued leave balance within two weeks from receiving the form.

Donations may not be given directly to individual staff members.

303.30 Requesting Donated Leave Eligibility and Procedure

To be eligible to receive donated leave an employee must have:

- A personal qualifying condition as described in the Sick Leave policy that results in an absence of at least five (5) consecutive working days. Donated leave would be eligible for use upon the 6th workday assuming exhaustion of all personal leave has occurred by this date. Donated leave cannot be used to care for qualifying family member's needs, it is to be used only for personal sick leave purposes. Days one (1) to five (5) will not be eligible for payment under Donated Leave.

AND

- Must have exhausted all other accrued paid leave and compensatory time
- Must not be receiving Worker's Compensation benefits for the leave requested;
- Must not be on a current corrective or disciplinary action for excessive absenteeism or abuse of sick leave;
- Must not be in a leave without pay status granted for a reason other than extended illness;
- And must have the supervisor's approval for the leave.

Human Resources will determine an employee's eligibility for the use of donated leave and may require medical certification. Donated leave may be granted prior to receipt of the medical certification to ensure an employee does not go without pay, however should the medical certification be unreasonably delayed and/or indicate leave is for a reason other than those which are approved in this policy then the

employee will be required to repay all donated leave issued via direct payroll deduction or personal leave accrual deductions.

Requests for donated leave will be made to the Department of Human Resources. A supervisor may seek donated leave on behalf of a qualifying employee who is otherwise unable to do so for themselves.

Regular, temporary, and seasonal full-time employees may receive up to 240 hours of donated leave during a 12-month period. Donated leave will be prorated for, part-time and intermittently scheduled employees. All donated leave given is dependent upon the Donated Leave Bank having a balance at the time of need.

Employees receiving donated leave must mark their timesheets appropriately following the guidance provided by HR.

303.40 Emergency Proclamation Donated Leave

During an official Mayor declaration of emergency per policy 113.00, any staff who accrue leave, who were required to use LWOP due to not having an available balance of accrued leave, may request donated leave.

303.50 Emergency Proclamation Donated Leave Donor Eligibility

Donation of Annual Leave can be made to the Emergency Proclamation Donated Leave Bank. Sick leave may not be donated to the Emergency Proclamation Leave Bank. There is no maximum to the amount of leave an employee can donate to this bank.

The Human Resources Department will send an all-staff email and/or post to the city intranet, when such a need arises.

Staff interested in donating leave must complete the donated leave form, available from the Human Resources Department, clearly marking a desire to donate to the Emergency Leave Bank. All donated leave is immediately forfeited and may not be returned once the signed form is submitted to Human Resources. Donated leave will be removed from the donor's accrued leave balance within two weeks from receiving the form.

Donations may not be given directly to individual staff members.

303.60 Requesting Donated Leave Eligibility and Procedure

Staff requesting Emergency Donated Leave may not have available Annual Leave or Comp time to use. Requests can be for a full day or partial depending on the amount of time needed to cover the missed shift(s).

Staff may not normally receive more than a week of pay during a Mayor emergency declaration. Should an emergency last longer than a week, the Mayor's office shall make a determination on how additional leave will be granted.

304.00 Paid Parental Leave

Statement of Policy

It is the policy of the City of Missoula to provide Paid Parental Leave (PPL) to eligible employees due to the birth of an employee's child or the placement within an employee's home of an adopted child. This policy will run concurrently with Family Medical Leave (FML) when the employee is eligible. This policy is for pregnancy complications, childbirth, or adoptions.

Reason for Policy

The City of Missoula recognizes the importance of taking time during a difficult pregnancy and bonding with and caring for newborn(s) and/or adopted children. This policy aims to provide eligible City employees with PPL, encouraging employees to bond and care for a new child, while supporting the financial well-being of families during that time. PPL policy gives parents additional flexibility and time to care for themselves, bond with their new child, adjust to their new family situation, and balance their work obligations. Flexibility and family-friendly policies are essential as the workforce continues to change. Such policies are critical for the City of Missoula to attract and retain the best staff, achieve Justice, Equity, Diversity, and Inclusion goals, and continue to meet the organization's Vision.

Eligibility

Eligible employees are Regular and Seasonal Full-Time, Part-Time, and Intermittent status employees (Short Term Workers, Interns, and Temporary Employees are not eligible), employed, in an active paid status, for at least six (6) consecutive months immediately prior to request for leave.

Benefit

An eligible employee is entitled to a maximum of six (6) continuous work weeks (maximum of 240 hours) of PPL in a twelve (12) month period. PPL is in addition to, and not a replacement for, any other leave for which an employee is eligible. An employee may not use both PPL and their own leave accrual for the same period of leave. A work week shall be defined as an established seven (7) day period beginning on the first date of leave. A week counts toward the six weeks, regardless of the number of shifts within that week, up to the max number of hours allowed per policy. No employee may be absent on PPL for more than six (6) weeks (maximum of 240 hours) in a twelve (12) month period, regardless of work schedule.

1. PPL may be taken upon medical advice due to complications with a pregnancy, the birth or adoption of children under the age of 18.
2. PPL will be paid at 100% of the employee's regular pay rate for hours missed during the leave period based on their regular schedule, not to include any overtime hours. Part Time and Intermittently Scheduled employees will receive a weekly benefit based on average hours paid per week in the prior 6-month period, not to include any overtime hours.
3. PPL may only be taken continuously. Intermittent use of PPL will not be approved.
4. Except for when PPL is used for pregnancy complications, PPL must be taken within six (6) months of the birth or adoption of the child(ren).
5. Multiple births or adoption (for example, twins) does not increase the length of PPL granted.
6. Any PPL not used within six (6) months will expire and may not be banked for future use. Unused PPL does not carry any cash value and will not be paid out.
7. Staff are not required to use PPL. Such benefit is available only upon request.
8. PPL may not be donated to the City's Donated Leave Bank.
9. Vacation and sick leave benefits will continue to accrue during the period of PPL.
10. The City will continue to pay its share of the health insurance costs during the PPL. Premium payments for dependents will continue to occur through payroll deduction.
11. For staff who qualify for FML, PPL shall count toward the total twelve (12) week leave benefit.

12. If a holiday occurs during PPL, the employee shall be paid for the legal holiday, which will count toward the six (6) weeks and maximum hours of leave and does not extend the paid leave period.
13. If PPL is taken during the employee's probationary period, the leave will not be considered time worked, and the employee's probationary period may be extended by the length of PPL taken.
14. A fraudulent request for Paid Parental leave is grounds for discipline, up to and including discharge.
15. Requests for exceptions to the above rules 1-14 may be made direction to the Human Resources Department.

Procedure

1. Employees wishing to use PPL must submit the PPL Request form to the Benefits Specialist, signed by their supervisor ideally 30 days before first day of use to ensure coordination with other benefits, including FML.
2. Actual date of birth/adoption must be provided to Human Resources within one week following event.
3. The Human Resources Department will coordinate the use of PPL with other approved leave requests, including FML and provide the necessary notifications for approval/denial.
4. Employees approved for PPL will ensure such time away is designated on their timesheet as PPL.
5. Payroll coordinators will ensure employees out on PPL have indicated such time on their timesheets prior to approving and sending them to Payroll for processing.
6. Human Resources will track all PPL leave.

305.00 Family and Medical Leave

The Family and Medical Leave Act (FMLA) requires covered employers to provide up to twelve (12) weeks of either paid or unpaid, job-protected leave to eligible employees for certain family and medical reasons.

305.10 Eligibility

To be eligible for use of Family and Medical Leave (FML), an employee must have been employed by the City of Missoula a cumulative total of 12 months prior to leave and have worked 1,250 hours (exclusive of vacation, sick leave, and holidays) in the 12 months preceding the leave time. The 12 months of employment need not be consecutive months. The 1,250 hours includes only those hours actually worked. Paid leave and unpaid leave, including FML leave, are not included.

305.20 Use of Family and Medical Leave

Employees are entitled to FML for one or more of the following reasons:

1. The birth of a child, and to care for that child;
2. Placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition;
4. A serious health condition that makes the employee unable to perform the functions of the employee's job.
5. An eligible employee with a family member who is on, or about to be placed on active military duty with a "qualifying exigency"; and
6. An eligible employee is entitled to 26 work weeks of unpaid leave to care for a family member injured while on active military duty.

305.30 Family and Medical Leave Procedure

- A. Employees must request the use of Family and Medical Leave from their department/division head by completing a FML Request Form which can be obtained from the Human Resources Department. Human Resources will request a medical certification from a health care provider be required to support a request for FML due to the employee's own serious health condition or that of a family member, except for leave requests for the birth of a child, bonding with a new child or placement of a child for adoption or foster care. Medical certification reflecting fitness for duty will be required when an employee returns to work from FML leave due to the employee's own serious health condition. Any communication with medical care providers regarding requests for medical certification or fitness for duty will be conducted by the Human Resources office.
- B. FML may be taken in a single block of time, or, if medically necessary, on an intermittent basis or on a reduced work schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to employer approval. FML taken for the birth or placement of a child must be within one year (12 months) of the birth or placement.
- C. Employees are required to provide at least a 30-day notification to Human Resources Department of intent to use Family or Medical leave when the leave is foreseeable. When the leave is not foreseeable, notice needs to be given "as soon as practicable." "As soon as practicable" generally means within two (2) business days of the employee learning of the need to take FML.
- D. Employees may use their sick, vacation or compensatory time for all or part of the 12-week period. Once an employee has exhausted his/her own sick, vacation or compensatory time, the employee may request donated leave, or the rest of the 12-week period may be unpaid.
- E. Employees may request FML for up to twelve (12) weeks in a twelve (12) month period. The

twelve (12) month period shall start on the date the employee first begins coverage under the FMLA and will end 12 months after the beginning date of the leave.

- F. Employees using FML shall be reinstated to their original job or to an equivalent position with equivalent pay providing they return to work at the end of the leave period.
- G. During the 12 weeks of leave, the employee shall receive health insurance coverage according to the terms and conditions that are in effect during the time the employee is using leave.
- H. The City's Paid Parental Leave will run concurrently with Family and Medical Leave.
- I. FML may be designated to an employee who is absent more than three consecutive workdays due to a work-related injury.

306.00 Leave Without Pay

A leave of absence without pay (LWOP) may be granted to employees with supervisor approval, normally for no more than 90 work days per calendar year. Requests for leave without pay for medically related reasons will first be considered under Section 305.00 of these policies. LWOP is normally only granted when all other types of accrued leave have been exhausted or are not available for use. Use of LWOP for circumstances that exceed 7 consecutive days or 30 total workdays in a year must have Department Director and Human Resource Department approval.

Requests for LWOP shall be submitted in writing by the employee to the supervisor stating the reason for the leave and the length of time off requested. Approved leave requests shall be forwarded to the Human Resources Department for record keeping.

Leave benefits will not accrue during periods of LWOP. Leave accrues only based on paid time.

If an employee uses more than 90 workdays in a calendar year, when not covered under FML or Workers' Compensation, they risk losing the City's contribution toward health insurance for full time employees. Per the City health insurance plan document, full time employees must work an average of 30 hours per week to earn the full time City contribution.

Upon return to duty, the employee shall be placed in the same position and rate of pay to which the employee was entitled prior to the leave unless otherwise agreed to by the employee, the department, and the Human Resources Department.

307.00 Military Leave

The City of Missoula will comply with state law and the Uniformed Services Employment and Reemployment Rights Act (USERRA), which provides job protection and rights of reinstatement to an employee who is a member of the organized militia of Montana, (National Guard) or who is a member of the organized or unorganized reserve corps or armed forces of the United States.

A City employee who has been an employee for a period of at least six (6) months must be given leave of absence with pay accruing at a rate of 120 hours in a calendar year for performing military service. Upon becoming eligible during a calendar year, the employee receives 120 hours of paid leave. Military leave may not be charged against the employee's annual vacation time. Unused military leave must be carried over to the next calendar year but may not exceed a total of 240 hours in any calendar year.

City employees may choose to use vacation, compensatory time, accrued holiday leave or be placed on leave without pay status when ordered to active-duty status. If an employee becomes ill while using paid leave, the employee may request to use sick leave (See Section 305.00 for information related to the use of FML leave prior to deployment and for those injured while in an "active duty" status.).

If military leave is requested for an absence of more than 30 days, the employee will be required to provide documentation of valid military orders. Cumulative leave under these provisions will not exceed five (5) years for an employee not including exclusions identified in USERRA.

Employees are requested to provide 30 days advance notice of the need for military leave, unless precluded by military necessity, or as much advanced notice as possible.

Reinstatement of employment privileges for an employee who has been inducted into military service will be in accordance with state and federal law. Employees ordered into active military status may be eligible for additional benefits under City Resolution No. 6620 and/or any applicable state or Federal laws.

308.00 Holiday Leave

The following are legal holidays observed by the City of Missoula. Eligible employees will receive a scheduled day off with pay in observance of a legal holiday.

- 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.
- Juneteenth National Freedom Day, June 19.
- Independence Day, July 4.
- Labor Day, first Monday in September.
- Indigenous People's Day- second Monday in October
- Veteran's Day, November 11.
- Thanksgiving Day, fourth Thursday in November.
- Christmas Day, December 25.
- State-wide Election Day in November of even numbered years.

Any day declared a state legal holiday for all State and local government political subdivisions by the Governor or legislature of the State of Montana; any day declared a legal holiday for all City government employees by the City Council of the City of Missoula.

A. Leave Accrual-Full Time

All full-time regular, seasonal, or temporary status employees shall receive eight (8) hours off with pay for days observed as legal holidays or authorized proclaimed workdays off, provided they are in an active pay status on either the last regularly scheduled working day prior to the holiday or the first regularly scheduled working day after the holiday. Employees whose first day of work is the day after a holiday are not eligible for holiday pay. Employees whose last day of work is the day before a holiday will not receive holiday pay.

B. Leave Accrual Part Time

Part-time regular, seasonal, and temporary status employees shall receive holiday pay on the following prorated basis:

Average less than 20 hours per week in previous pay period	0 hours
Average 20-24 hours per week in previous pay period	4 hours
Average 25-29 hours per week in previous pay period	5 hours
Average 30-34 hours per week in previous pay period	6 hours
Average 35-39 hours per week in previous pay period	7 hours

If part-time employees are not scheduled to work on a holiday, they shall take their holiday time off within sixty (60) days with the department head's authorization. The Human Resources Department must authorize any diversions from these guidelines.

C. Leave Accrual-Intermittent/Variable Scheduled Staff

Holiday accrual will be determined by taking the average daily hours for the past two pay periods.

Intermittent/Variable Scheduled Staff may not bank Holiday and must record the time for payment in the applicable pay period, regardless of whether they worked on the Holiday or took the day off.

D. Use of Leave for Flex Schedules

If an employee is scheduled to work more hours than they would earn for a holiday, they may use vacation or comp time for those additional hours in order to receive a full work-day's wage. (*EXAMPLE: a full-time employee scheduled to work ten (10) hours on a holiday would earn eight (8) hours holiday time and use two (2) hours of vacation or compensatory leave.*)

A supervisor may also approve the option of making up the additional two hours throughout that same week. Example: a full-time employee schedule to work ten (10) hours on a holiday would earn eight (8) hours holiday time and then work the additional two (2) hours on other days that same week.

E. Holiday on a Scheduled Day Off

Any full-time regular, seasonal, or temporary status employee who is regularly scheduled for a day off, which is observed as a legal holiday or authorized proclaimed workday off, shall be entitled to receive eight (8) hours off with pay either on the day preceding, or the day following, whichever allows a day off in addition to the employee's regularly scheduled day off.

Employees under scheduling restrictions shall be allowed to use the holiday hours when scheduling allows. If Holiday is taken the day prior or after, such leave is recorded on the timesheet as HOLIDAY. If Holiday is banked for later use due to scheduling restrictions, such leave is recorded as Holiday Comp Time and must be used within Sixty (60) days of accrual.

F. Holiday on Day Required for Operation

All regular, seasonal, or temporary employees in those departments that are required to remain operational during holidays or proclaimed days off, or that have a scheduled work week which includes working on holidays or proclaimed days off, shall earn eight hours of

holiday compensatory time off. HOLIDAY COMP time must be used within sixty (60) days of accrual. Employees under scheduling restrictions may receive an extension to the 60-day rule, with supervisor approval.

G. Working on a Holiday

Staff may not work on a holiday without management request. If a manager requests an employee to work on a holiday, they will receive pay for all hours worked at their regular rate of pay and receive HOLIDAY COMP time. HOLIDAY COMP time must be used within sixty (60) days of accrual.

H. Paid Hours During Holiday Week

Holiday pay, like all other paid leave, does not count in overtime calculation. Non-Exempt employees are paid overtime or comp time when they work over 40 hours in a 7-day work week.

Example: Monday is a holiday, and the employee earns 8 hours holiday time. The employee works 40 hours Tuesday to Friday for a total of 48 hours. These hours will be paid straight time and should be approved by a supervisor prior to working due to the budget impact the additional 8 hours of pay may have. Extra hours such as these not only impacts the budget directly, but also creates a higher accrual of annual leave for that week due to increased hours.

Exempt staff earn comp time 1:1 for hours worked over 40 in a week. In the above example, an exempt employee would not earn comp time, nor would they receive additional pay.

309.00 Jury Duty and Witness Leave

An employee under proper summons or subpoena for jury duty or to serve as a witness shall collect all fees and allowances payable as a result of the service and forward the fees to the Finance Department. The fees will be applied against the amount due to the employee from the City for the time off with pay. Employees serving as jurors or witnesses will only receive pay for the actual amount of time spent while in service. Expenses or mileage allowance paid by the court shall not be deducted.

If an employee elects to charge the time off against accrued vacation credits or compensatory time, no fees and allowances paid by the court need be reported to the Finance Department and will not be deducted from the employee's salary for the period of time charged to vacation credits or compensatory time.

310.00 Volunteer Leave

The City of Missoula wants to encourage our staff to be involved in our community and volunteer when possible. Volunteer Leave allows staff to volunteer during work hours and receive pay for such hours.

All Regular status employees, other than intermittently scheduled staff, will receive 12 hours per calendar year of volunteer leave. Part time employees will receive leave on a pro-rated basis. Hours are “use it or lose it” by each December 31st. No hours can be cashed out upon termination or rolled over to the next calendar year.

These hours may be used to perform any volunteer work during work hours with the advance approval of the employee’s supervisor.

1. Requests for use of such time must be provided on the Volunteer Leave Request form. Approval of leave will not be based on the type of organization for which the volunteer work is being performed only based on the work being confirmed as volunteering and not that of a second job or personal leave.
2. The volunteering agency must sign off attesting to the hours and days requested as being worked.
3. The Volunteer Request form must be turned into Human Resources prior to Friday before a pay day week. HR will notify the payroll coordinator or approved leave.
4. Leave on timesheets will be marked as Volunteer Time.
5. Payroll coordinators/supervisors must have confirmation from Human Resources for such leave to be used. HR can be contacted if questions surround this issue.

The City will track how many hours of volunteering City staff as a whole give back to our community each year.

Volunteer work may be for any community organization, other than the City of Missoula and/or outside programs overseen/controlled by a City of Missoula Department and might include work such as assisting a non-profit with operational duties, sitting on a volunteer board, helping at a local school, assisting with a community event such as a race and more.

Volunteer Time is only allowed for volunteering that occurs during a scheduled work shift. It cannot be used to put an employee into an Overtime status.

311.00 Education and Training Leave

The City of Missoula supports and encourages training and education for employees in areas related to job duties, professional development, safety, personal growth, and educational advancement.

The City shall provide training and education opportunities to benefit employees and the City while maintaining City services and ensuring the maximum benefit is derived from education and training dollars. Supervisors are encouraged to explore, participate in and extend training and educational opportunities to all regular employees. Employees may request training and with the supervisor’s consent shall be permitted to participate in training and educational opportunities during the workday.

Reimbursement will be in accordance with IRS requirements and may be subject to tax.

Nothing in this policy restricts a department head from paying or reimbursing an employee’s educational expenses using that department’s budgetary resources. Such payment is at the department head’s discretion and is not subject to the annual maximum amount indicated in this policy.

311.10 Higher Education Benefits

Tuition Reimbursement

Regular non-probationary full-time or part-time employees who regularly work at least 20 hours per week are eligible for benefits under this section. Upon receiving evidence of satisfactory completion of courses previously approved as outlined in this policy, along with original receipts, the eligible employee shall be reimbursed for the cost of books and tuition up to a maximum of \$500.00 per fiscal year.

Requests for education leave and tuition reimbursement must be pre-approved by the supervisor and the Human Resources Department prior to enrollment to qualify for this benefit. The number of eligible employees who may be approved to use this benefit during any fiscal year will be limited by the amount available in the budget approved by the City Council for that fiscal year.

Education Paid Leave

Regular, non-probationary full-time or part-time employees who regularly work at least 20 hours per week are eligible for benefits under this section. Eligible employees may be granted time off with pay to attend job-related courses at an accredited post-secondary education institution, including approved vocational education centers. Part-time employees will receive benefits provided by this policy on a pro-rated basis. Time off with pay shall not exceed nine quarter credit hours or six semester credit hours per fiscal year.

Employees who enroll in classes for professional development, personal growth or educational advancement that are not directly job related and which meet at times other than during the employee's regularly scheduled working hours may not claim such hours as compensable. Employees attending courses on their own time shall not be permitted work time off as a method of compensation. All outside class work must be accomplished on the employee's own time.

Education Time Benefit is different from professional development related to current position, such as certification trainings, continued education webinars and conferences, etc. Education Time Benefit is tied to a post-secondary education institution.

Requests for Education Paid Leave must be pre-approved by the supervisor, Department Head and Human Resources Department prior to claiming such paid leave. Requests are made using the Education Leave Request Form which must be approved each fiscal year.

311.20 Training Leave

Regular, non-probationary employees may attend training seminars, workshops, or conferences related to professional development, safety, personal growth, and educational advancement without charging related time off against annual leave and without losing any part of their salary for attendance within regularly scheduled working hours. Attendance must be approved in advance by the supervisor or department head.

The department may provide reimbursement for reasonable registration fees and other related expenses such as lodging, per diem, and travel in accordance with the City of Missoula travel policy.

Payment must be approved by the supervisor or department head in advance of the employee attending the training event.

312.00 Health Insurance Benefits

The Employee Health Benefit Plan Fund (hereafter referred to as the Plan) is a self-funded health insurance plan that includes health, dental, orthodontia, vision exam, and life insurance coverage. Participation in the Plan is available to regular full-time, regular part-time working 20+ hours per week, and seasonal employees as well as their dependents, as outlined in the respective plans. New hires become eligible for health benefits after a 29 day waiting period, on their 30th day of employment.

Regular Intermittent/Variable Scheduled staff are subject to the measurement periods per Affordable Care Act and as outlined in the Summary Plan Document. If such an employee averages 30+ hours/week in the designated 12-month measurement period they will be offered full time benefits for the next 12 months they remain an active employee. Such staff will be notified by Human Resources if this situation were to occur. The City's annual period runs 11/1-10/31 with benefits offered 01/01.

- A. Summary Plan Documents and all subsequent amendments are posted to the Human Resources website. It is the employee's responsibility to seek assistance in interpreting the Summary Plan Document or Plan Document.
- B. The City will pay the same premiums for Plan coverage for all regular full-time status employees. Regular part-time and seasonal employees will be eligible for participation in the Plan on a pro-rated cost sharing of the City's contribution towards the premium. The City will pay the appropriate Plan premiums for employees on Workers' Compensation for up to, but not to exceed, one year.
- C. Retired employees and their dependents may stay on the Plan provided they pay premiums as required in the Plan.
- D. The Employee Benefit Committee is an employee advisory committee which reviews issues concerning Plan benefits. It shall be comprised of at least one representative from each bargaining unit and four non-union representatives.
- E. Employees who resign their employment with the City may be eligible to continue their health insurance benefits under the Consolidated and Omnibus Reconciliation Act (COBRA). Employees enrolling in COBRA continuation coverage pay the full cost of the premium plus a 2% surcharge. An employee or qualified beneficiary may be able to keep his/her health insurance coverage for up to eighteen (18) months, or thirty-six months (36) in certain situations. For more details refer to the City of Missoula Plan Document.

312.10 Fit City Wellness Program

The City of Missoula's Fit City Wellness Program emphasizes a commitment to employees' health and is considered a core component of the employee benefit package. Employees and dependents are encouraged to achieve and maintain healthy lifestyles through a holistic approach. The Fit City Wellness Coordinator works in conjunction with the Employee Benefits Committee (EBC) to establish and promote programs that create opportunities for employees to learn about, and participate in, a variety of wellness activities centered around holistic wellbeing.

313.00 Breastfeeding Policy

The City of Missoula supports and encourages women returning from maternity leave to continue breastfeeding and/or expressing milk for their child(ren). The City will accommodate the breastfeeding-related needs of employees and will provide adequate and private facilities for breastfeeding or milk expression. The facility will be equipped with suitable lighting and electricity if necessary for a pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee and department head. Standard break times will be primarily utilized with additional unpaid break time provided as mutually agreed upon. Additionally, the City will make every effort to provide suitable facilities for milk storage during the employee's daily work period. The City will comply with all requirements listed in Section 39-2-215, 39-2-216, 39-2-217 MCA whether or not specifically listed here.

314.00 Workers' Compensation Insurance

Workers' Compensation Insurance is provided for all City employees to cover injuries arising out of and in the course of their employment. This coverage is separate from City Health Insurance Plan. The City Health Plan may not be used for workplace related injuries. The administration of benefits received from the insurance/coverage provider is between the employee and that carrier.

Employees are responsible for reporting all injuries to their immediate supervisor within 24 hours of the injury. Department heads or their designee will be responsible for immediately reporting employee injuries on the job that result in medical treatment or loss of work time to the Human Resources Department. Such reports must be made within 48 hours of the injury or within 24 hours of notification of an injury. Forms for reporting injuries may be obtained from the Human Resources Department.

Workers' Compensation benefits consist of two parts: medical benefits and wage loss benefits. The medical benefits cover allowable medical costs associated with an injury. Wage loss benefits begin after the injured employee has been unable to work for 32 scheduled work hours. After the first 32 hours, employees may not use accrued sick while also receiving wage loss benefits through Workers' Compensation. To receive wage loss benefits the employee must provide medical certification from a health care provider stating the specific date the employee is unable to work, the reason for the absence and the approximate duration of the time off.

Eligible employees can use vacation and compensatory time while receiving Workers' Compensation benefits. Employees shall not accrue vacation or sick leave credits while only receiving Workers' Compensation benefits unless they are using vacation, compensatory time, or are a police officer/firefighter being made whole under MCA .

Each employee claiming Worker's Compensation will be reviewed on a case by case basis by the department, the insurance/coverage provider, and the Human Resources Department. The employee will be responsible to remain in regular contact with their supervisor and furnish the supervisor with current physician's reports on their physical condition. Whenever possible, light duty will be made available to the employee, upon authorization of the physician.

Except for Firefighters and Police Officers (due to MCA regulating protection of position and pay when under a Workers Compensation claim) Family Medical Leave shall be designated to a qualifying employee who is absent more than three (3) consecutive workdays due to a work-related injury. Every effort will be made to return the employee to the position held when the injury was sustained. If the employee's physician does not release the employee to return to their former position within a reasonable recuperation period, the City may terminate the employee.

An employee out on Workers' Compensation is eligible to retain their City Health Insurance at the same

cost of an active employee for up to one (1) year assuming they remain an active employee. If employment ends or the employee remains out on Workers' Compensation after one year, the City's health insurance shall terminate, and the injured worker will be eligible for COBRA.

An injured worker who was terminated in accordance with this policy, Workers' Compensation Insurance, and is capable of returning to work within two years from the date of injury and has received a medical release to return to work, will be given a preference over other applicants for a comparable position that becomes vacant, provided the position is consistent with the worker's physical condition and vocational abilities.

Pursuant to Sections 7-32-4132 and 7-33-4133 MCA police officers and firefighters who are injured in the line of duty will receive additional compensation from the City in an amount equal to the difference between compensation paid by Workers' Compensation and their regular net pay. Police officers and firefighters continue to accrue sick and vacation leave credits while off work due to a work-related injury or disease. The calculations on the above City payment will be done by subtracting the Workers' Compensation payment from the police officer's or firefighter's adjusted gross salary (less taxes and retirement). All other personal payment obligations that the police officer or fire fighter may have authorized as payroll deduction payments will be the responsibility of the police officer or fire fighter. This additional compensation is only payable for the first twelve months of disability.

315.00 Public Employees Retirement Systems

City of Missoula employees shall participate in the Public Employees Retirement System (PERS) in accordance with state law and regulations. The PERS is administered by the Public Employees' Retirement Board.

316.00 Deferred Compensation

City of Missoula employees may voluntarily participate in the City's deferred compensation plans. Interested employees should contact the Human Resources Department for information.

317.00 Employee Assistance Program (EAP)

The City of Missoula Employee Assistance Program (EAP) has been implemented in order to retain valued employees, to increase effectiveness on the job and to encourage a positive work environment by assisting employees in coping effectively with personal or job-related problems.

The purpose of the EAP is to provide this assistance through special arrangements with outside, professional counseling resources. The program is designed to deal with a broad range of issues such as: emotional, behavioral, family, marital, chemical dependency, financial, legal, and other personal problems.

This benefit is available to all Regular, Temporary, and Seasonal employees and their families. EAP provides problem assessment, consultation, short-term counseling, and referral. Cost for this service is covered by the City. The employee or family member shall be responsible for the costs of services provided upon referral to other resources. Some of these expenses may be eligible for payment by the employee's health insurance.

Participation in the EAP is voluntary and will not jeopardize an employee's job security or promotional opportunities. Self-referral to the EAP is encouraged. Supervisors may refer employees, voluntarily or mandatorily, to the EAP when appropriate to assist in resolving employee job performance problems. Contact the Human Resources Department for information regarding the EAP.

400.00 Payroll and Hours of Work Rules

401.00 Hours of Work and Overtime Rules

Regular hours for City employees are dependent upon the department and their business needs.

Department heads or their designees are responsible for scheduling all work, including overtime, for approving leave requests and for monitoring and approving employees' work, attendance, and time records. Employees are responsible for working when scheduled, requesting leave from supervisors, and accurately recording all time worked, in accordance with department guidelines.

Non-Exempt employees are to perform work only while being compensated/on the clock. Any after hours work and/or work that may affect overtime must be approved in advance by the immediate supervisor.

All absences from scheduled work must be reported to a supervisor and documented in accordance with timekeeping and payroll procedures. Failure to turn timesheets in by the listed due dates will result in payment of wages being delayed to the following pay day.

Employees not working their full assigned work week must use accrued leave, or will be placed into LWOP if no applicable leave is available. Such practice ensures all regular hours (paid or unpaid) on a timesheet are equal to the scheduled hours for that week.

Unexcused, unauthorized or chronic absences from scheduled work hours may result in disciplinary action.

401.10 Definitions

Workweek

The regular workweek for City of Missoula employees is Sunday through Saturday. Department supervisors shall establish work schedules, based on work needs, for individual employees.

Hours Worked

“Hours worked” do not include any type of paid leave including, but not limited to, holiday, vacation, sick, paid parental leave, volunteer leave, jury duty leave, military pay, etc.

Non-Exempt Employees

Employees in positions that are determined to be subject to the overtime provisions of the Federal Fair Labor Standards Act and Montana Wage and Hour law are “non-exempt employees.”

Exempt Employees

Employees determined not to be subject to the overtime provisions of the Federal Fair Labor Standards Act and Montana Wage and Hour law are “exempt employees.”

401.20 Non-Exempt Overtime Pay

All non-exempt employees must receive prior approval from their supervisor to work overtime. Failure to seek such prior approval shall be cause for corrective and/or disciplinary action. Non-exempt employees shall receive overtime compensation at the rate of one and one-half times their regular hourly rate of pay for all hours worked exceeding forty in a workweek.

All hours worked at the City, regardless of the number of positions held, will count toward a total of hours worked for overtime purposes.

401.30 Exempt Overtime Pay

The supervisor may require that exempt employees receive prior authorization to work more than 40 hours in a workweek. Failure to seek such prior approval shall be cause for corrective and/or disciplinary action. Exempt employees shall not receive extra hourly compensation for any hours worked exceeding 40 in a workweek.

402.00 Compensatory Time

City supervisors are responsible for managing employee compensatory time balances.

402.10 Non-Exempt Compensatory Time

Non-exempt employees may accrue compensatory time off in lieu of overtime payment upon mutual agreement between the employee and the supervisor. Compensatory time for non-exempt employees shall be earned at the rate of one and one-half hours for each hour worked exceeding forty hours in a workweek. Employees may accrue a maximum of 240 hours of comp time. Non-exempt employees who wish to be compensated for overtime in the form of compensatory time must submit a Compensation Election Form to the Human Resources Department and their department payroll coordinator. An employee can make only one election per pay period. For example, if an employee elects to be compensated for overtime in the form of compensatory time, all overtime in the pay period will be compensated as compensatory time. An election will remain in place until the employee submits a new election form.

The use of compensatory time is subject to department head approval and must be used within 6 months of accrual. Compensatory time should be used at the earliest possible date and must be used prior to vacation time accruals, unless the employee is in jeopardy of losing vacation accruals. Whenever possible, accumulated compensatory time should be used prior to termination of employment with the City. Non-exempt employees shall be paid for unused accumulated compensatory time upon moving to an exempt position, or upon termination of employment.

When a non-exempt employee moves to a different department within the City, the department head in the employee's new department may allow the employee to transfer the employee's accrued compensatory time. If the department head does not allow this transfer, the compensatory time must be paid to the employee by the department from which the employee departs.

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

402.20 Exempt Compensatory Time

Exempt employees may accrue compensatory time, on an hour-for-hour basis, for all hours worked exceeding forty hours in a workweek.

Exempt employees are not entitled to receive compensation for unused compensatory time at any time. There is no guarantee that an exempt employee's supervisor will approve time off at any time to enable the employee to use an accrued exempt compensatory time balance.

Compensatory time and holiday compensatory time must be used prior to using vacation unless the employee is in jeopardy of losing accrued vacation. Unused accumulated compensatory time cannot be cashed out upon termination of employment with the City.

402.30 Public Safety Exempt Compensatory Time

Upon promotion of public safety personnel from non-exempt positions to exempt positions, the promoted

employee will be able to transfer all holiday compensatory time accruals. However, when the employee retires, the City will only cash out the number of holiday compensatory hours that had been accrued at the time of the promotion not to exceed 200 hours.

Upon promotion of public safety personnel from non-exempt positions to exempt positions, any compensatory time that the promoted employee has accrued will be paid to the employee at their non-exempt rate of pay prior to the promotion up to a maximum of 125 hours.

Under no circumstance will any compensatory time be paid out at retirement to an exempt employee.

404.00 No Call/No Show

If an employee does not show or call in for their scheduled shift, the manager will take the following action:

1. Attempt to contact employee using the phone number provided;
2. Attempt to contact the emergency contact provided to Human Resources Department;
3. If after numerous attempts to reach the employee and emergency contact fail, the manager may consult HR on what steps, if any, should be taken.

If contact cannot be made and an employee is a no call/no show for three consecutive shifts, they will be deemed to have abandoned their position with the City and a termination letter will be sent via certified mail.

405.00 Compensation for Travel Time

Employees will receive compensation for travel time in accordance with federal Fair Labor Standards Act guidelines. If compensable, work time for air travel will commence no earlier than one hour prior to scheduled departure. See Admin Rule No. 1 Travel, for more information.

500.00 Grievance Policy and Procedure

A grievance is an alleged violation, misapplication or misinterpretation of an express policy as set forth in these City of Missoula Human Resources Policies and Procedures. All employees covered by these policies and procedures have the right to file a grievance under the terms and conditions set forth in this Section, without fear of reprisal or retaliation.

An employee's failure to file or advance a grievance under the conditions set forth in this grievance procedure shall result in a waiver. If the employer fails to respond at any step of the grievance procedure, the employee may proceed to the next step, if there is a next step available. Time limits set forth in this grievance procedure may be waived upon written and mutual agreement between the employee and the Human Resources Director.

501.00 Informal Grievance Procedure

(Start at this step for all reasons other than termination of employment)

Within ten (10) working days of the date on which the grievance is alleged to have occurred, the employee shall discuss the grievance with the employee's immediate supervisor. Once this discussion takes place, the employee and supervisor shall have five (5) working days from the date of that discussion to attempt to resolve the grievance. If the grievance is not resolved within that five-day time period the employee may submit the grievance, in writing, to the formal grievance procedure as set forth below.

502.00 Formal Grievance Procedure

(termination of employment starts with this step)

Step 1 – Department Head

If the grievance is not resolved informally, or if the grievance is being filed due to termination of employment, the employee may resolve the grievance, in writing, to the employee's department head within ten (10) working days of the date on which the employee discussed the grievance with the immediate supervisor, or within ten (10) working days of termination. The grievance shall: (1) identify the specific policy or policies allegedly violated, (2) describe how the policy was violated (including the relevant facts and circumstances involved), and (3) discuss the remedy requested by the employee. The department head shall have ten (10) working days from the date of receipt to respond to the grievance in writing.

Step 2 – Mayor/Designee

If the department head's response does not resolve the grievance, the employee may appeal in writing to the Mayor/designee, within ten (10) working days of receiving the department head's written response. Such notice must be cc'd to the Human Resources Department. The Mayor/designee shall have twenty (20) working days from the date of receipt to respond to the grievance in writing.

The submitted grievance shall contain the employee's written grievance and a copy of the Department Head's decision/response.

The Mayor's response constitutes the final step in the grievance procedure and the grievance shall be considered as settled based on the response.

503.00 Alternative Dispute Resolution

Nothing in this policy precludes the employee and employer from mutually agreeing to engage in alternative dispute resolution, including, but not limited to, mediation, fact-finding, or binding arbitration. Any costs involved in alternative dispute resolution shall be split equally between the employer and the employee.

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Final Audit Report

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