



CITY COUNCIL OPERATIONS AGENDA

July 8, 2024 – 5:00 PM | Council Chamber, City Hall

1. **Call Meeting to order:**
2. **Approval of Minutes –**
 - a. Regular Meeting: June 10, 2024
3. **Public Comment –** (Limit to three minutes per person)
4. **Old Business** (Public Comment period prior to each topic)
 - a. Personnel Policy Updates - Jordan
 - b. Project Tracking List- Jordan
5. **New Business** (Public Comment period prior to each topic)
 - a. Communications Plan - Jordan
6. **Staff or Committee Member Concerns or Comments:**
7. **Announcement of the Next Meeting**
 - a. Regular Meeting: Monday, August 12, 2024 at 5pm.
8. **Adjournment**

City Council Operations Committee

City Code | Council Bylaws and Policy

Members

Rob Kersch (Chair) | Vacant | Rian King-Chavez

City Council Operations

MINUTES

June 10, 2024 - 5:00PM | Council Chambers, City Hall

Members Present:	Rob Kersch, Curt Fjelstad, Rian King-Chavez
Members Absent:	None
Mayor:	Absent
CAO:	Jordan Green
Staff:	Ava Hoffman
Public:	None

1. Call Meeting to Order:

- a. Chairman Kersch called the meeting to order at 5:00PM

2. Approval of Minutes:

- a. Regular Meeting: May 13, 2024
Member Fjelstad motioned to approve as presented. Member King-Chavez seconded the motion. 3 Ayes, 0 Nos. Motion passed.

3. Public Comment - Limit to three minutes per person.

- a. None.

4. Old Business

- a. None

5. New Business

- a. Personnel Policy Updates – Jordan
The Committee discussed the need for a social media policy, emphasizing the importance of maintaining a clear separation between personal and official accounts. Discussed separating personal and official social media accounts and advises elected officials and Deer Lodge employees to maintain separate social media accounts to avoid confusion between personal and official expression. Discussed employees should exercise caution when blocking individuals on personal social media accounts related to city business to avoid violating First Amendment rights.

Jordan Green and Chairman Kersch discuss the appropriate use of blocking on social media platforms, with a focus on maintaining a separation between personal and official accounts. They also consider incorporating changes to the bylaws to address ex parte communications and ensure transparency in decision-making processes. Incorporate discussed changes to the social media and personnel policies and bring updated versions back to the next Council Ops meeting.

Jordan discussed with the committee employee bereavement leave policies and the CBA bereavement policy.

Discussed reimbursement policies for business travel and conference expenses, including meal per diem, alcohol is excluded, Hotel stays and use of personal or city vehicle and milage rate.

Chairman Kersch motioned to authorize changes be made as discussed and then brought back to Council Ops. Member King-Chavez seconded the motion 3 Ayes, 0 Nos. Motion passed.

b. Project Tracker – Chairman Kersch

Chairman Kersch suggests creating a project tracker to keep city officials informed of ongoing projects and their progress. Chairman Kersch agrees and proposes adding columns for project duration and estimated completion date. Discussed transparency in city projects, including why it takes so long and why it's expensive.

Project Tracker would be a spreadsheet outlining the latest and long term projects, the authorization, the scope, the funding, the start date, estimated completion date, the project lead, the work performed by, and contracts. Example: projects could be the Well, I&I, Street Maintenance, separate projects with other entities.

Chairman Kersch motioned to move forward on a Project Tracker Spreadsheet. Member Fjelstad seconded the motion. 3 Ayes, 0 Nos. Motion passed.

c. Audio Recordings of Meetings – Jordan

Discussed meeting audio recording, what form of platform the audio recording will be upload to before we get the new website. Not required to do video recordings due to towns population size. This is to go into effect July 1, 2024.

Mo motion, discussion only.

6. Staff or Committee Comments/Concerns:

- a. Chairman Kersch and Jordan working with the new council member.

7. Announcement of Next Meeting:

- a. Regular Meeting: Monday, July 15, 2024, at 5:00PM

8. Adjournment:

- a. The meeting was adjourned at 5:57pm by consensus.

Rob Kersch, Chairperson

Date

**City Council Operations Committee
Members**

Rob Kersch (Chair) | Curt Fjelstad | Rian King-Chavez



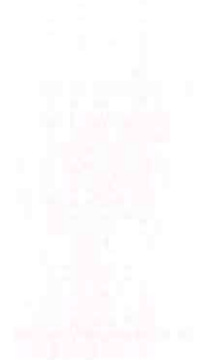
300 Main Street
Deer Lodge, MT 59722

The City of Deer Lodge Personnel Policies

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PURPOSE AND DISCLAIMERS

The City of Deer Lodge has prepared this handbook to answer some of the questions concerning employment with the City of Deer Lodge (the City) and its policies and procedures. Please read it thoroughly and retain it for future reference.

These Personnel Policies and Procedures shall apply to all City employees. Elected Officials and certain appointed officials may, however, be exempt from certain portions of these policies or be covered by alternate policies or agreements. The Mayor may approve exceptions to any policy where the policy is not mandated by law.

If you are a unionized employee, please reference your Collective Bargaining Agreement to determine if this policy and the CBA differs.

In the event of conflict between these rules and any contract for a specified term of employment, City resolution or rule, or state or federal law, the terms and conditions of that contract, rule or law shall prevail to the extent they differ.

In the event of the amendment of any resolution, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes as of the effective date of the change.

The City specifically reserves the right to repeal, modify or amend these policies at any time, with appropriate public notice. To the extent that any provision of these policies is declared void or unenforceable by competent authority, the remaining provisions will be deemed to remain in full force and effect.

None of these provisions shall create a vested contractual right in any employee or to limit the power of the City of Deer Lodge to repeal or modify these rules.

AUTHORITY FOR PERSONNEL ACTION

The City of Deer Lodge reserves the right to direct, hire, promote, transfer, assign and retain employees. The City also reserves the right to supervise, discipline, and relieve employees from

their duties for any reason determined sufficient by the City; as well as determine and change hours of work, shifts, and operational methods. The policies, practices, rules, and regulations may be established or changed/abolished with the sole discretion of the City. The Mayor/Chief Administrative Officer and/or their designee will execute personnel actions at their discretion when necessary consistent with all applicable laws, regulations and this policy.

DIVERSITY & HARASSMENT PREVENTION

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

It is the policy of the City of Deer Lodge to ensure equal employment opportunity (as defined by the Equal Employment Opportunity Commission (EEOC)) and the Montana Human Rights Act for all employees. The City promotes and affords equal treatment and services to all citizens, employees and representatives. The City assures equal employment opportunity regardless of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age or disability, (as defined by the Americans with Disabilities Act and ADA Amendments Act).

If an employee perceives he/she has been discriminated against, he/she should notify their immediate supervisor or the Mayor/Chief Administrative Officer or their designee.

AMERICANS WITH DISABILITIES ACT (ADA) AND THE ADA AMENDMENTS ACT (ADAAA)

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

Employees or applicants who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Mayor/Chief Administrative Officer or other designee and request such an accommodation. The City will conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his or her job. The City will then identify possible accommodations, if any, that will help to eliminate the limitation or barrier. If the accommodation is reasonable and will not impose an undue hardship on the City and/or a direct threat to the health and/or safety of the individual or others, the City will make the accommodation. The City may also propose an alternative accommodation(s). City is not required to provide the accommodation preferred by the individual, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs, etc.)

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

HARASSMENT PREVENTION AND REPORTING

It is the policy of the City of Deer Lodge that harassment, based on a protected class will not be tolerated. Each individual has a right to work in a professional atmosphere 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.

It is the policy of the City to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age or disability both in or outside the workplace, on or off shift, in person or via electronic communication such as email, social media, etc.

Any employee who perceives a conversation or event as harassment, whether the employee is involved or merely observing, should 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. Should the behavior continue, the employee should report the activity to their supervisor, or the Mayor/Chief Administrative Officer or their designee.

The City encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City to promptly and thoroughly investigate such reports with due regard to confidentiality. The results of the investigation will be communicated to the complainant and the offender.

A follow up review will be completed if harassment allegations have been made to ensure the harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.

Definitions of Harassment

Sexual Harassment: According to the EEOC and Montana Human Rights Bureau, sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature.

For example:

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

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Examples may include unwanted sexual advances or requests for sexual favors; sexual jokes or innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; gestures; suggestive objects of pictures or other physical, verbal or visual conduct of a sexual nature.

Other Harassment: Harassing behavior based on any other protected characteristic. For example: verbal, written or physical conduct that denigrates or shows hostility or aversion toward another because of his/her race, color, religion, national origin, creed, sex, marital status, genetic history, sexual orientation, political belief, age or disability

RETALIATION

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

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

Please report any retaliation to your supervisor, or Mayor/Chief Administrative Officer and/or their designee. Any report of retaliatory conduct will be objectively, timely and thoroughly investigated in accordance with the City's investigation procedure. Retaliation or attempted retaliation is a violation of this Policy.

VIOLENCE AND VIOLENT BEHAVIOR IN THE WORKPLACE

It is the intent of this policy to address violence in the workplace. Therefore, the City has adopted the following policy regarding confrontations between co-workers and citizens.

The City of Deer Lodge has a "ZERO TOLERANCE" attitude regarding violence in our workplace. This policy prohibits but is not limited to the following types of conduct:

- injuring another person physically;
- engaging in behavior that creates a reasonable fear of injury to another person;
- engaging in behavior that subjects another individual to extreme emotional distress;
- possessing, brandishing, or using an unauthorized weapon that is not required by the individual's position while on City premises or engaged in City business; intentionally damaging property; threatening to injure an individual or to damage property; committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and retaliating against any employee who, in good faith, reports a violation of this policy. Violent acts of employees occurring outside the workplace also may be grounds for disciplinary action, up to and including termination of employment if the violent conduct committed has an adverse impact on the employee's ability to perform the assigned duties and responsibilities or that it undermines the effectiveness of the City's activities.

Note: Employees may be authorized by their agencies to possess weapons in the workplace if they are required as a part of employees' job duties with the City.

EMPLOYMENT CLASSIFICATIONS

As provided by 2-18-101 MCA, all City employees are assigned to one of the following employment classifications in each group by the appropriate City officer at the time of initial hire. Changes to employment classification can only be made by Chief Administrative Officer with the approval of the Mayor.

PERMANENT, SEASONAL, TEMPORARY OR SHORT TERM

Permanent Employee - an employee who has completed their probationary period of employment and is assigned to a position of indefinite duration that has been classified as "permanent." Permanent employees may work full-time (40 hours per week) or as part-time (normally working less than 40 hours per week). Permanent employees earn the benefits provided by these policies after satisfactorily completing a waiting period as detailed in each policy.

Seasonal Employee - an employee, assigned as seasonal, who is assigned to a permanent position where the work is interrupted by the seasonal nature of the duties and is, therefore, not generally laid off. Seasonal employees may, at the discretion of the City of Deer Lodge, be recalled without the loss of benefits accrued during the preceding season. Seasonal employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week). Seasonal employees must complete a probationary period of employment and earn a prorated share of the benefits provided by these policies after satisfactorily completing a waiting period as detailed in each policy.

Short-term Employee – an employee who works at an hourly rate of pay established by the City of Deer Lodge for a period of no more than ninety (90) working days (regardless of hours worked) in a continuous twelve (12) month period. When hiring a short-term worker, the hiring official must look at the days worked in the 12 months prior to the date of hire and may not employ the person for more than the number of days that remain when subtracting the number of days worked in the prior 12 months from the maximum 90 days of work eligibility. They are not eligible to become permanent employees without a competitive selection process. Short-term employees do not earn the holiday and paid time off benefits provided by these policies.

- Example: If an employee worked for 20 days in August of a given year and the following January was assigned to another short-term worker position, the employee would be eligible for a maximum of 70 more days of work (90-20) from the date of the second offer.

Temporary Employee - an employee who is hired for a period of time not to exceed twelve (12) months. Temporary employees are not permanent employees, are terminated at the end of the employment period, and are not eligible to become permanent employees without participating in a competitive selection process for the position they seek to hold. Temporary employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week). Temporary employees must serve a probationary period of employment and earn some of the benefits provided by these policies after satisfactorily completing a waiting period as detailed in each policy.

FULL-TIME OR PART-TIME

Full-Time Employees - employees who are scheduled to work 40 or more hours per week.

Part-Time Employees - employees who are scheduled to work less than 40 hours per week.

EXEMPT OR NON-EXEMPT

Exempt Employees - employees who work in executive, administrative, professional capacity or other exempt category and are not paid overtime (defined by Fair Labor Standards Act).

Non-Exempt Employees - employees paid 1-1/2 times their normal pay rate when they work overtime (defined by the Fair Labor Standards Act).

PROBATIONARY OR PERMANENT EMPLOYEE

Probationary Employee - All newly hired City employees in permanent positions serve a probationary period. During this period, the City will assess your ability to perform the duties assigned to your position. Your conduct and performance on the job are critical in determining whether you will be retained beyond your probationary period.

Your initial probationary period is twelve (12) months, unless otherwise stated in writing at the time of hire. Under certain circumstances, your probationary period may be extended for an additional period of time.

If a situation arises during an employee's probationary period for which a leave is granted, the probationary period will be extended by the length of the approved period of time off.

Elected/Appointed/Employed - Certain individuals who have been elected to office or have been appointed as provided by applicable law may be exempt from some or all of the time off, compensation, hiring, discipline, grievance and other policies provided by these policies.

All other persons are employed by the City and are subject to these policies. To the extent that the provisions of the statute or ordinance under which the person has been elected or appointed to their position provide for different terms and conditions of employment than provided by these policies, those statutes or ordinances will take precedence.

If an employee has questions concerning their status, they should ask the Chief Administrative Officer.

RECRUITMENT AND HIRING PROCESS

It is the policy of the City of Deer Lodge to recruit, select, and promote personnel without regard to race, color, religion, creed, political beliefs or ideas, sex, age, marital status, physical or mental disability, genetic history or national origin, except where the reasonable demands of the job require a distinction to be made.

As provided by 7-4-2110 (5), MCA, the following procedures should be adhered to by all departments in filling positions except where otherwise provided by law:

1. Requests to fill all vacancies, except those positions where an elected official has a statutory right to appoint, whether through internal or external recruitment, shall be made to the Mayor as soon as a need of a possible vacancy arises. Upon receipt of notification and approval to fill the position, the selection process will begin. The selection process will be coordinated between the Mayor, Chief Administrative Officer and the supervisor affected.

2. A job description should be created or reviewed and updated as necessary.

3. A determination of minimum education and experience qualifications for the position should be established. These qualifications are normally expressed as the number of years and types of education and experience, which typically qualify a person to perform the specific duties of the job. These qualifications should be stated as the typical qualifications of persons qualified to perform the job and an allowance for candidates to establish their equivalent qualifications through alternate means should be made unless a qualification is required by applicable law, rule, regulation or contract.

4. A selection committee consisting of two or more members should be appointed. The selection committee, in cooperation with the Mayor, Chief Administrative Officer and/or the appropriate supervisor, will develop the selection strategy for application review, determination of testing methodology, administration of tests and scoring, and reference check criteria. The selection strategy should be developed in advance of the job posting, including questions, model answers, assignment of relative importance of each job factor, and total points and minimum passing scores.

5. Selection strategy may include one or more job related selection procedures including, but not limited to, oral interviews, review of application materials, references checks, performance tests or other valid screening devices.

The City may recruit for vacant positions internally before recruiting externally or internal recruitment may run concurrently with external recruitment. Positions will generally be posted internally/externally for at least five (5) working days.

All positions for which applications are solicited from outside the ranks of the current employees must be listed with the Montana Job Service. The hiring official may request that the Job Service collect applications and review them for completeness before forwarding them to the hiring official. Additional recruitment may be conducted where it is believed appropriate to obtain sufficient numbers of qualified applicants.

The City reserves the right to reject any and all applications for the position and re-advertise or extend the deadline for receipt of applications if there are not sufficient qualified applicants. Unless otherwise approved by the Mayor, Chief Administrative Officer and other designated positions (except elected officials) must reside at locations where they can report to their assigned work site within 30 minutes of receiving an emergency call in notification.

The City reserves the right to reassign current City employees to positions without a competitive selection process when necessary to implement an accommodation, reorganization or for other legitimate business reasons.

The City may also utilize the pool of candidates created in a recruitment effort for additional vacancies that may become vacant if the positions are sufficiently similar and the pool is sufficiently current to allow the hiring of additional individuals from the same pool.

Applications for a posted position will not be accepted after the published closing and/or receipt date unless the position is advertised as "open until filled."

In all external hiring, veterans are entitled to a 5% preference. Eligible relatives and disabled veterans are entitled to a 10% preference when a scored procedure is used. Where a scored procedure is not used in an external hiring, disabled veterans, eligible relatives or veterans, in that order, are entitled to a preference over any non-preferred applicant holding substantially equal qualifications. (Section 39-29-102 MCA)

In all external hiring, persons with a disability and their eligible spouses are entitled to a preference in hiring over other non-preference applicants with substantially equal qualifications. Persons with a disability are entitled to a preference over any other preference-eligible applicants with substantially equal qualifications. Job offers shall be made in writing. Unless otherwise specified at the time of granting permission to recruit, the direct supervisor may extend the offer of employment to the successful candidate.

A job offer should specify whether the job is permanent, temporary, and seasonal or a short-term position and whether the job is full- or part-time. The offer should also specify the position, title, grade, salary, work location, starting date and hours of work and any additional special information related to terms and conditions of employment (i.e., responsibility to acquire or maintain a license or certification, need to work rotating shifts, etc.) that maybe appropriate to be included. The terms of all job offers must be consistent with existing policy and practice unless an exception has been pre-approved by the Mayor or other appropriate hiring official.

COMPENSATION POLICIES

TIME-KEEPING

Federal and state law requires the City of Deer Lodge to keep accurate records of time worked for all non-exempt employees. In order to comply with these requirements and to ensure that you are paid for all work, you are required to follow the following procedures, unless you have been notified that you are classified as exempt.

You must record all time worked by using the time sheet. You will not be allowed, permitted or asked to perform work of any kind or for any reason when you are not "clocked in." Your time sheet must be signed and given to your supervisor with a personal activity report for approval at the end of each pay period.

Because working before or after your scheduled work shift (including during scheduled unpaid meal periods) is considered time for which the City of Deer Lodge must compensate its employees, it is important that you do not begin work prior to your scheduled starting time or continue working after completing your assigned shift unless you have been requested to work additional time by your supervisor. You must record periods of time where your supervisor has approved a request for leave made by you and time spent on personal business.

HOURS OF WORK

Your basic work schedule may vary from week to week based upon special events, emergencies or budgetary considerations. If you find you are unable to report for work on time due to illness or other emergency, you must personally notify your supervisor/Chief Administrator as soon as possible via phone call or email. Leaving a voicemail does not automatically approve your absence and generally is not sufficient notification. When you are absent for more than one day, you must keep your supervisor informed on a daily basis, (unless you have been otherwise directed) as to when you may be expected to return to work. If you are unable to report due to an emergency, please have another person call for you.

If you are absent from work without approval, it may be considered a voluntary resignation of your employment with the City of Deer Lodge.

Your supervisor has the right to require appropriate verification or proof before approving absences that were not pre-approved. If your supervisor requests verification and you do not provide it as requested, your absence will generally be considered disapproved.

BREAKS

Rest periods of short duration, running from 5 minutes to about 20 minutes, are common. They promote your efficiency and are customarily paid for as working time. They must be counted as hours worked. Rest periods are not an entitlement and must not interfere with the accomplishment of assigned duties.

The City of Deer Lodge allows one fifteen-minute break per four hours work when the break does not interfere with the accomplishment of assigned duties. When an employee is on shift, one break may be taken during the first half of the work period, and one break may be taken during the second half of the work period. Breaks may not be used to start shifts late or leave early.

You are entitled to a one-hour unpaid meal break for every work period of 6 or more hours. During your unpaid meal break, you must be completely relieved from all job duties. Meal breaks may not be used to start shifts late or leave early.

If you are an employee covered by a Collective Bargaining Agreement, please refer to your Agreement for guidance on your allowable breaks.

PAY PERIODS AND PAY DAYS

Our work week will begin on Sunday at 12:00 a.m. and end on Saturday at 11:59 p.m. Pay periods are the 26th through the 10th and the 11th through the 25th of each month. Paydays will be the 15th and the last day of the month. In the case of an employee who terminates employment for any reason, payday will be the earlier of the next regularly scheduled payday or 15 days from date of termination.

If the pay date falls on a holiday, paychecks will be available the first working day after the holiday. Attached to your paycheck will be a statement of earnings that shows the amount of gross pay, the amount and type of deductions, and amount of net pay. Deductions will be made including required deductions such as federal and state income tax withholding, social security tax (FICA), garnishments and any voluntary deductions authorized by the employee such as insurance premiums.

If you wish to authorize another person to pick up your paycheck, you must provide us with a signed written authorization for each paycheck designated by you to be picked up by someone else.

OVERTIME

There may be times when it is necessary for you to work beyond your normal workday. If the situation is an emergency or constitutes other circumstances pre-approved by your supervisor, we expect you to complete the task and notify your supervisor at the start of your next workday of the fact that you worked beyond your scheduled working hours. It may be necessary for your supervisor to alter your hours of work during the pay period you worked in excess of your normal workday to avoid overtime.

If you work in excess of forty (40) hours in a work week and are not considered to be exempt from state and federal overtime requirements, you will be paid at one and one-half times your regular hourly rate of pay for all hours worked in excess of forty (40) in a work week provided that the time you worked was approved and is properly recorded on your time record. All overtime must be authorized by your supervisor in advance, unless the situation is an emergency.

When we compute overtime pay, we will count all hours actually worked by you during the work week. Time for which you have been paid but did not actually work, such as vacations, sick leave, or holidays, are not considered time worked for purposes of calculating overtime.

SOCIAL SECURITY/MEDICARE

As an the City of Deer Lodge employee, you are covered by Social Security/Medicare which provides retirement and health benefits for employees and their families as required by law in the event of retirement, hospitalization after age 65 (Medicare), total and permanent disability before age 65, and death at any time. Contact the local Social Security Office for details on the benefits provided.

WORKER'S COMPENSATION

As a City of Deer Lodge employee, you are covered by a workers' compensation insurance program. Workers' compensation covers both lost wages and work-related medical expenses if you suffer a covered, work-related accident or illness.

These benefits are defined by the laws of the State of Montana and are administered by a third -party insurance carrier. The City of Deer Lodge pays the entire cost of coverage.

If you should be involved in an accident that occurs on the job you must obtain and complete an accident reporting form, even if you believe there are no injuries. You should complete and submit the accident report as soon as possible, but in no case later than 24 hours after the accident. Your supervisor may, at any time, direct you to see a health care provider to obtain treatment or to obtain a doctor's certificate or other verification of your illness or accident. Documentation showing this verification must be given to your supervisor to be placed in your personnel file when it is received. After each medical appointment during your recovery, you will submit a completed and signed medical status form from your medical provider to be placed in your personnel file.

Your ability to return to pre-accident prescribed work duties will be determined by your medical provider. Your supervisor may at their discretion, with recommendation from your medical provider, assign transitional work duties to accommodate your recovery should you not be able to return to pre-accident work duties. Any documentation from a health care provider or from the City's third-party

insurance carrier showing work limitations should be given to your supervisor when it is received to place in your personnel file. Employee pay during a transitional work assignment will be maintained at its current rate. Transitional duty positions are not considered permanent.

If you are off work for more than the waiting period established by the law of the State of Montana and are unable to return for a transitional work assignment you may be eligible for lost wages at a reduced rate. If so, you are prohibited from receiving both the workers' compensation benefits and sick leave for the same period of time. During this time, you will maintain contact with your supervisor on a weekly basis to allow you to update your supervisor on your progress and to request accommodations, where necessary.

UNEMPLOYMENT INSURANCE

The City of Deer Lodge provides coverage for unemployment insurance benefits. The laws of the State of Montana determine eligibility for such benefits. Information on making a claim for benefits is posted on the official Agency bulletin board.

EMPLOYEE BENEFITS

EMPLOYEE BENEFITS PLAN

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

Specific benefits of the benefit plan are described in the Plan Document and Summary Plan Description, (an appendix is available from the Clerk/Personnel Director). For employees utilizing specific insurance products, the insurance plan documents will be forwarded to them directly from the Insurance Provider MMIA. The insurance Provider will also supply insurance cards for the covered employee/dependents directly to the employee.

RETIREMENT

Some City of Deer Lodge employees participate in the Public Employees' Retirement System (PERS) which is a statewide retirement plan established in 1945 and governed by MCA 19-3-101 et seq providing retirement services to substantially all public employees. The PERS is a mandatory multiple-employer, cost sharing plan administered by the Public Employees' Retirement Division (PERD).

The PERS offers retirement, disability and death benefits to plan members and their beneficiaries. Benefits provided by the PERS are described in the Public Employees' Retirement System Member Handbook (available from the City Clerk).

The State legislature has the authority to establish and amend contribution rates to the plan.

Some employees participate in other retirement programs, please refer to each specific retirement program for information on the program's guidelines.

ANNUAL LEAVE

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

Regular full-time employees accrue Annual Leave as follows:

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

- Seasonal employees earn vacation credits. However, seasonal employees must be employed for 6 qualifying months before they may use the vacation credits. In order to qualify, seasonal employees shall immediately report back for work when operations resume in order to avoid a break in service.
- Permanent part-time employees are entitled to prorated annual vacation benefits if they have worked the qualifying period.
- An employee may not accrue annual vacation leave credits while in a leave-without-pay status.
- Temporary employees earn vacation leave credits but may not use the credits until after working for 6 qualifying months.
- A short-term worker or a student intern, as both terms are defined in 2-18-601, may not earn vacation leave credits, and time worked as a short-term worker or as a student intern does not apply toward the person's rate of earning vacation leave credits.

The maximum annual leave amount accumulated is twice the number of days earned annually at the end of any calendar year. Annual Leave exceeding the maximum amount must be used within 90 calendar days of the next calendar year in which the excess was accrued, or it will be forfeited.

Requesting Leave

Requests for annual leave must be submitted in advance and pre-approved by the employee's supervisor. The annual leave will be approved after considering the best interest of the City of Deer Lodge, the employee's unit, and the employee's request. Should two employees request the same period of Annual Leave, management has discretion regarding the approval of the leave requests.

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

SICK LEAVE

All regular full-time employees earn sick leave from the first day of employment; however, they are not entitled to use paid sick leave until they have been employed continuously for the qualifying period of 90 days. Employees who are sick before they finish the qualifying period may ask their supervisor to grant paid sick leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period. Sick leave is earned at a rate of eight (8) hours per month, without restriction as to the number of hours that may be accumulated. For calculating sick leave, 2080 hours (52 weeks x 40 hours) equals one year. Sick leave must be credited at the end of each pay period. Employees may not accrue sick leave while in a leave-without-pay status.

Regular part-time employees earn a prorated amount of sick leave if they have worked the qualifying period. Temporary and seasonal employees are entitled to sick leave benefits provided they work the qualifying period. Short-Time Workers do not accrue leave.

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

Requesting Sick Leave

All requests to use sick leave for purposes of medical appointments should be made to the immediate supervisor, with as much advance notice as possible.

Notification of absence because of illness will be given to the immediate supervisor, via a phone call or email prior to the start of the employee's shift. The supervisor will notify appropriate staff of the absence. If an employee's immediate supervisor is unavailable for the day, the employee is to notify the supervisor's designee or the Chief Administrative Officer or his/her designee. The immediate supervisor may grant permission for alternative notifications or have additional requirements in regard to notification.

Use of Sick Leave:

Employees may use sick leave for personal illness or physical incapacity, sickness of immediate family member, or death in the immediate family of employee (refer to bereavement leave). Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity/paternity leave, and requests for the employees' presence due to immediate family member's illness or emergency.

Sick leave utilized must not exceed the amount accrued by the employee. If the sick leave balance is exhausted, an employee may choose to use his/her accrued annual leave or Leave Without Pay (with approval from the supervisor-see LWOP policy). The City of Deer Lodge may not require an employee to use Annual Leave for purposes of illness unless the employee agrees per MCA 2-18-615.

Employees using sick leave may be asked to furnish a certification of illness from a qualified doctor upon request of their supervisor or the Mayor/Chief Administrative Officer and/or their designee.

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

TRANSFER OF SICK LEAVE/SICK LEAVE DONATION

Employees will be permitted to transfer sick leave from one employee to another. The receiving employee must have exhausted all accrued sick leave and annual leave. The contributing employee must make the transfer request in writing and must maintain at least 40 hours of sick leave. The transferred sick leave will not change the receiving employee's employment status.

Hours transferred are on an hour-per-hour basis, not calculated based on donating employees' wages. The transferred sick leave is considered forfeited by the contributing employee. Employees shall not be coerced, intimidated or adversely persuaded to transfer their accrued sick leave to the receiving employee.

BEREAVEMENT LEAVE

This policy governs leave of absence with pay for a city employee who experiences a death in the immediate family and establishes leave of absence with pay for death of other relatives. If you have a unionized position, refer to your collective bargaining agreement for additional policy related to bereavement leave.

The Employer shall grant any employee three (3) days bereavement leave prior to using sick leave. When there is a death in the immediate family, up to five (5) additional days may be taken from the individual's accrued sick leave and used as additional bereavement leave. Immediate family shall mean only persons related by blood and marriage in the degree of consanguinity of grandparent, parent, wife, husband, brother, sister, child, grandchild and spouse's parents, brothers, sisters or grandparents.

LEAVE WITHOUT PAY

Leave without pay (LWOP) may be approved by the immediate supervisor or their designee on a case-by-case basis. LWOP is usually requested when an employee has exhausted all applicable leave balances and has a need to be away from their employment. The immediate supervisor or their designee may require an employee to use all appropriate accrued leave or compensatory time before approving LWOP. However, an employee cannot be required to exhaust annual leave balances for reasons of illness unless the employee agrees per MCA2-18-615.

Depending upon the circumstances, employees still in their probationary period may be allowed to take LWOP. However, if leave is granted, their probationary period may be extended by the amount of time taken during the leave.

Annual and sick leave will not accrue during LWOP.

LWOP is at the sole discretion of the City of Deer Lodge.

NON FMLA RELATED EXTENDED LWOP

As a public employer, the City of Deer Lodge is subject to the Family and Medical Leave Act (FMLA) even if there are no qualifying City employees.

Extended LWOP is considered unpaid leave in excess of two (2) consecutive weeks. Extended LWOP may be granted for any cause as determined by the Chief Administrative Officer or Mayor and/or their designee in their sole discretion so long as it doesn't violate any laws, regulations or policies set forth in this manual. Employees may be granted extended LWOP for a specified time generally not to exceed one hundred eighty (180) calendar days during their employment period. This rule does not apply to American's with Disabilities Act (ADA) regulations, please see section addressing ADA for extended leave guidelines for employees who qualify for protection under the ADA.

Whenever possible, the employee should provide their Supervisor or their designee with at least 30 days' notice, so workloads/tasks can be covered. To request Extended LWOP, employees must provide their supervisor, or their designee the beginning and ending dates of the leave and the reason for the requested leave.

Annual and sick leave cease to accrue during Extended LWOP. Any employee who has one (1) pay period without any hours worked, will lose the employer contribution and lose eligibility for benefits for that month. At that time, coverage will be cancelled, and the employee will be offered COBRA as an option to extend coverage. Should coverage be canceled, the employee may be subject to plan and/or policy restrictions, upon returning to work. Plan documents can be requested from the Clerk Office.

An employee who fails to return to work on his or her regularly scheduled workday after the pre-approved Extended LWOP period may be considered to have voluntarily resigned unless the leave period is extended, in advance, by their supervisor or their designee.

HOLIDAYS

The City of Deer Lodge will observe the same holidays as recognized by the State of Montana. These policies apply to an employee who is required by management to work on an OBSERVED holiday.

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

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

Holidays -- observance when falling on employee's day off

- A full-time employee who is scheduled for a day off on a day that is observed as a legal holiday, except Sundays, is entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday in the same pay period or as scheduled by the employee and the employee's supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off, provided the employee is in a pay status on the employee's last regularly scheduled working day immediately before the holiday or on the employee's first regularly scheduled working day immediately after the holiday.
- Part-time employees receive pay for the holiday on a prorated basis according to rules adopted by the department of administration or appropriate administrative officer under 2-18-604.
- A short-term worker may not receive holiday pay.

Eligibility

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

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

Use of Leave

If one or more regular holidays fall in the period of an employee's annual leave, the annual leave record will not be charged for the holiday.

Work on a Holiday

An employee who is designated as non-exempt and who is required by management to work on a holiday shall receive one and one-half times the regular rate for the hours actually worked on the holiday AND receive holiday benefit hours paid at the regular rate.

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

JURY DUTY LEAVE

Any regular full-time or regular part-time employee who is required to serve on a jury shall be allowed authorized leave with pay. This may also include when an employee is subpoenaed as a witness or required to appear before a court or legislative committee/quasi-judicial body in response to a subpoena or other directive.

A probationary employee may have his/her probationary period extended by the same amount of time as required for serving on jury duty.

An employee who received notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position. The City of Deer Lodge reserves the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.

The employee is responsible for reporting the amount of the issued check for all jury or witness fees to the Clerk/Payroll Specialist. If an employee chooses to be paid for their time away instead of using their leave bank, employee must sign over the check to the City for reimbursement. Reimbursement for mileage and actual expense fees are not required to be forfeited to the City of Deer Lodge. The employee may keep any witness fees or court payment if the services are performed on the days of his/her regularly scheduled days.

Benefits continue to accrue while an employee is on jury duty leave. If excused as a juror on any given day, the employee is expected to contact his or her supervisor and to report to work as instructed.

PUBLIC OFFICE LEAVE

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

MILITARY LEAVE

The City of Deer Lodge shall comply with all provisions outlined in the uniformed services Employment and Reemployment Rights Act, (USERRA, 38 USC Sec. 4031 et seq) as well as all relevant state laws (to include MCA 10-1-1009) covering members of the Montana Army and Air National Guard.

An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six months shall be given leave of absence with pay for a period of time not to exceed 120 hours in a calendar year.

Unused leave may roll to the next calendar year, not to exceed 240 hours total for the calendar year. Any excess leave, beyond 240 hours, will be forfeited. Military Leave can be for attending regular encampments, training classes, and similar training programs of the military forces of the United States.

Employees employed less than six months are entitled to unpaid leave for the purposes listed above. Employees using Military Leave must report it as such on their timesheets and have prior approval for leave. This leave will not be charged against the employee's annual leave.

MATERNITY LEAVE

Pregnant employees will be granted a reasonable unpaid leave of absence for such pregnancy. Such leave should be requested as soon as possible. An employee disabled as a result of pregnancy may be

asked to produce medical certification verifying that she is not able to perform her employment duties. An employee disabled as a result of pregnancy will not be denied any compensation to which she is entitled as a result of the accumulation of disability or leave benefits.

Upon signifying her intent to return to work at the end of her leave of absence, an employee on pregnancy leave will be reinstated to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, and fringe benefits unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

NURSING MOTHER ACCOMMODATIONS

The City shall provide a reasonable break time for an employee to nurse or to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to nurse or express the milk. The City shall also provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to nurse or express breast milk.

The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily utilized with additional unpaid break time provided as mutually agreed upon. Additionally, the City of Deer Lodge will make every effort to provide suitable facilities for milk storage during the employee's daily work period. All requirements listed in MCA 39-2-215, 39-2-216, 39-2-217 will be complied with.

GENERAL WORK RULES

PROFESSIONAL COMMUNICATION IN THE WORKPLACE

The City of Deer Lodge is responsible for providing a safe and secure workplace and strives to ensure that all individuals associated with us are treated in a respectful and fair manner. We expect everyone to act in a mature and responsible way at all times.

Though it is not possible to list all forms of behavior that are considered acceptable or unacceptable in the workplace, the following are examples of behavior that all of us are responsible for maintaining when communicating in any professional capacity:

- Actively listening, without interrupting or ignoring the speaker who has the floor
- Maintaining a relationship of trust, respect and professionalism with everyone
- Accepting staff members, city council members and city officials for who they are, while forgiving past problems/issues
- Building open and honest relationships by using direct and respectful communication
- Promptly addressing issues/problems/concerns directly with the Chief Administrative Officer.
- Refraining from complaining, blaming, gossiping, or engaging in public reprimands *while* reminding others who are engaging in these behaviors that it is inappropriate
- Abstaining from criticism on matters unrelated or minimally related to the person's job performance or description

Furthermore, the following are examples of behaviors that are not appropriate for a professional setting:

- Taking responsibility for another person's ideas
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings
- Manipulating the ability of someone to do his or her work or deliberately interfering with day-to-day City Hall processes that hired staff are responsible for maintaining
- Encouraging others to participate in any of the behaviors listed above

These lists are not intended to be exhaustive so please reach out to the Chief Administrative Officer with any clarifying questions you may have. During your employment with The City, the Mayor or his/her designee will let you know individually if your conduct is inappropriate in any way so that you understand what is expected of you.

GUIDELINES FOR APPROPRIATE CONDUCT

Employees are expected to follow the City of Deer Lodge policies and rules and to respect the rights, property, and privacy of co-workers, families and members of the public. The following statements should help you understand some of the requirements associated with your employment with the City of Deer Lodge:

- To carefully read the Personnel Policies in order to thoroughly understand your rights, obligations, responsibilities and benefits of your employment with the City of Deer Lodge
- To conscientiously work toward achieving the objectives of the City of Deer Lodge in accordance with the philosophy and policies and in compliance with the procedures established by these and other the City of Deer Lodge policies and procedures.
- To perform assigned duties at a high level of quality, accuracy, neatness, effectiveness, and integrity.
- To work cooperatively with other staff members in a sincere, tactful, and positive manner.
- To respect the views and actions of fellow staff members and, when in disagreement, to use appropriate channels to express opinion or judgment on these matters, gain clarification of the City of Deer Lodge policy, or your job roles, and in the resolution of grievances.
- To plan and carry out assigned duties in a manner which will achieve effective and productive use of time.
- To attend and be punctual at all required staff meetings, training sessions, and other scheduled the City of Deer Lodge activities.
- To respect the privacy and to keep and hold confidential all information in accordance with the City of Deer Lodge policy. This includes not only information regarding those people served but also fellow employees.
- To be responsive to the guidance, directions, and instructions of immediate supervisor.
- To engage in the approved process for resolving grievances filed by parents or community persons.
- To distinguish clearly, in public, between statements and actions made as an individual and those made as a representative of the City of Deer Lodge.
- To avoid fighting with, being physically abusive or behaving in a manner that is or might be offensive to others or conduct yourself in a manner contrary to recognized standards of morality

or decency. Spreading rumors about co-workers or citizens or voicing criticism or complaints in front of citizens or families or in public areas is considered inappropriate.

- To not destroy, deface, misuse, damage, misappropriate or wrongfully acquire property, funds or assets belonging to the City of Deer Lodge or its employees.
- To not use the City of Deer Lodge-owned computers or other equipment for personal gain or entertainment such as photocopying personal items, downloading, or installing games or other non-business software on our computers, or access web sites unrelated to the performance of your assigned job duties.
- To not be under the influence of or possess any intoxicant, controlled substance, or drug (except as prescribed by a licensed physician) during working hours and/or on the City of Deer Lodge property. Tests to determine drug and alcohol use will be utilized only where permitted by law and will conform to the standards of 49 CFR part 40.
- To not falsify employment, accounting or other City of Deer Lodge records.

SOCIAL MEDIA POLICY

Social media is an umbrella term that defined the various activities that integrate technology, social interaction, and content creation. Through social media, individuals or collaborations of individuals can create web content, organize content, edit or comment on content, combine content, and share content. The City of Deer Lodge encourages and supports the use of social media to further the goals of the City and the missions of its departments, where appropriate, keeping in mind that not all forms of social media may be appropriate for use by City departments.

OFFICIAL CITY PROFILES

Official profiles include any official sites that represent Deer Lodge municipal agencies, including but not limited to the Deer Lodge Fire Department, the Deer Lodge Police Department, and the Deer Lodge City Hall. The following rules and regulations are regarding official social media account for the City of Deer Lodge:

- At all times, the CAO, the mayor, and the city attorney shall have access or are permitted to request access to the passwords of all official Deer Lodge social media accounts.
- Deer Lodge social media accounts are to be used exclusively for official government business, news, and communication. Employees shall refrain from using these accounts for personal purposes or expressing personal opinions unrelated to their official duties.
- Official profiles must state that they are an official site of the City of Deer Lodge.
- Employees are required to maintain a professional tone and demeanor when interacting on Deer Lodge social media accounts. The use of offensive language, derogatory remarks, or inflammatory rhetoric that could reflect poorly on the City of Deer Lodge is prohibited. Blocking of public users on Deer Lodge profiles is prohibited.

- Employees should comply with all applicable laws, regulations, and policies when using Deer Lodge social media accounts. This includes adhering to copyright laws, privacy regulations, and public records laws. As well, employees should ensure that information shared is truthful, reliable, and verifiable before disseminating it to the public.
- Employees with access to Deer Lodge social media accounts are to maintain impartiality and neutrality when engaging on the social media accounts. Expressing personal political opinions or endorsing specific candidates or parties that could be perceived as biasing the City of Deer Lodge is prohibited.
- The City of Deer Lodge prohibits the disclosure of confidential or sensitive information on Deer Lodge social media accounts. Employees should respect individuals' privacy rights and refrain from sharing personal or confidential information without proper authorization.
- Employees shall not use Deer Lodge social media accounts to promote their personal interests or engage in activities that could create conflicts of interest. Employees should prioritize the public interest and avoid actions that may undermine the integrity or impartiality of the City of Deer Lodge.
- Employees that operate official social media accounts should not use the accounts to engage in arguments with other users.

PERSONAL PROFILES

The City of Deer Lodge recommends the following policies for personal social media accounts, including but not limited to personal public Facebook, LinkedIn, Twitter, or Instagram profiles. These personal profiles can be construed as representative of the City of Deer Lodge. The recommendations are as follows:

- Maintain separate profiles for separate uses. Elected officials and Deer Lodge employees should maintain distinct personal, public, and campaign-related social media accounts to avoid confusing personal expression with official government communication.
- Regarding the policy above, employees must exercise caution when blocking individuals on personal social media accounts to avoid potential violations of First Amendment rights when posting about City-related business. Employees should not block commenters on a post where they are appearing to exercise any authority they may have to speak on the City's behalf on a particular matter. Maintaining separate accounts will aid in the understanding of when blocking is appropriate.
- If employees wish to discuss government activities on personal social media accounts, they should include disclaimers indicating that their views are personal and do not represent those of the city or town. Avoiding the use of city logos, job titles, or email addresses unless accompanied by a disclaimer is recommended.
- It is highly advised to refrain from arguments, inappropriate posts, or inflammatory posts or comments as an employee of the City, especially when you are discussing City business on a personal account.

CONFLICT OF INTEREST AND NON-DISCLOSURE

The protection of confidential information is vital to the interests and success of the City of Deer Lodge and its residents. Such confidential information includes, but is not limited to, the following examples:

- Confidential criminal justice information
- Confidential employee information
- Confidential/sealed court files
- Attorney work product
- Personal medical information

If an employee has access to confidential information, they may be required to sign a non-disclosure agreement as a condition of their employment. Improper use or disclosure of confidential information may result in disciplinary action, up to and including termination of employment and legal action, even if the violator of this policy does not actually benefit from the disclosed information.

Employees are expected to devote their best efforts and attention to the performance of their jobs unless otherwise authorized or permitted by law. A conflict of interest exists when the employee's loyalties or actions are divided between the City of Deer Lodge and those of another, such as a customer, supplier or competitor. Employees unsure as to whether a certain transaction, activity or relationship constitutes a conflict of interest should discuss it with the Chief Administrative Officer or the Mayor.

PERFORMANCE APPRAISAL

The City may periodically conduct formal performance appraisals of employees.

Where conducted, the primary purpose of an employee performance appraisal system is to provide the opportunity for the employee and the supervisor to discuss the employee's job performance during the preceding evaluation period and to communicate job goals and objectives. Performance evaluations may be used to assist in decisions affecting promotions, demotions, dismissals, layoffs, re-employment, salary increases and training. Completed appraisal forms shall kept in the employee file.

A special evaluation maybe completed at any time it is deemed appropriate by the supervisor.

If the employee disagrees with an appraisal, the employee has the right to submit, within ten (10) working days of receipt of the appraisal, a written rebuttal to his/her supervisor with a copy to the Mayor, which will be attached to and filed with the appraisal document. Employees may not grieve appraisals unless the information is used to support an adverse action affecting the employee.

PERSONNEL FILES

The Chief Administrative Officer is responsible for establishing and maintaining an official personnel file for each City employee. Unless a Department has been authorized to maintain personnel records locally, all personnel files shall be maintained by the Chief Administrative Office. All employee personnel records are confidential, and access is restricted. An employee's title, dates and duration of employment and salary is, however, considered public information and may be released to any person upon request.

Access to the files is limited to the employee and others whose assigned job responsibilities require access to the record as identified below. Access will only be allowed to other individuals where merits of public disclosure override the individual's right to privacy.

Supervisors are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department. No personnel records should exist in a Department unless the original is included in the official personnel record.

Personnel files are the property of the City of Deer Lodge. No materials in a personnel file may be removed from the office they are kept in. The following procedures apply to the release and accessibility of information contained in employee personnel files:

1. Personnel must treat all employee information as confidential except for requests authorized by the employee or requests to learn or to verify information relating to job title, department, salary, and dates of employment
2. Access to information contained in the personnel file will be limited to:
 - a. The Mayor,
 - b. The Chief Administrative Officer and/or consultants,
 - c. The employee's supervisor and others in a direct line of authority over the supervisor,
 - d. The individual employee and representatives authorized by the employee to have access,
 - e. State or City auditors,
 - f. Other City employees whose jobs require access to information contained in the file such as payroll clerks or benefits administrators.
3. Files pertaining to employees who are bona fide candidates of interdepartmental transfer or termination may be reviewed by the prospective City supervisor to whom they applied.
4. The City reserves the right to withhold those portions of personnel files that may affect the confidentiality of third parties such as reference check materials provided by previous employers, investigatory reports, etc. unless disclosure is required by law.

CONFIDENTIALITY

Maintaining confidentiality of employee and citizen information is of utmost importance to the City of Deer Lodge. Employee and citizen information shall only be shared with those who have a legitimate job-related need to know. Sharing information with co-workers not involved in the matter, spouse, family or friends is a violation of confidentiality. Releases of confidential information can also result in civil or criminal liability or other legal action. Reporters, attorneys or law enforcement officers requesting information about an employee or citizen should be referred to a supervisor, or Chief Administrative Officer.

ATTENDANCE

It is extremely important that all employees be at their workstation and ready to begin work at the start of their shift. Absenteeism and tardiness place a burden on other employees as well as the City. If an

employee is unable to report to work on time and as scheduled due to illness or other emergencies, they are expected to personally notify their supervisor as soon as possible in advance of the anticipated tardiness or absence or within one half hour past their scheduled start time. If an employee is unable to report due to an emergency, they should have another person call for them. The City of Deer Lodge has the right to require appropriate verification or proof before approving absences, which were not pre-approved.

When absent for more than one day, an employee must keep their supervisor informed on a daily basis (unless they have been otherwise instructed) as to when they may be expected to return to work. Failure to report for work or call to notify of an absence for more than five (5) working days is considered as an abandonment or resignation from employment.

If an employee finds that he/she wishes or needs to be absent during working hours, the employee must request and receive permission from the Chief Administrative Officer to be absent. Requesting time off at least two weeks in advance will increase the chance of that request being approved. That being said, the Chief Administrative Officer will ultimately determine when will be the most suitable time for you to be absent from your work and if any conflicts arise in requests for time off, preference will be given to the employee with the earliest request.

If the employee is absent without approval, it may be considered to be a voluntary resignation of employment with the City of Deer Lodge.

BUSINESS RELATED TRAVEL

The City of Deer Lodge will reimburse an employee for expenses incurred in the course of his/her employment when he/she is on assignment away from the normal work location. The employee will be reimbursed for the cost of mileage, travel, lodging, or other expenses directly related to accomplishing the assignment. Refer to the City of Deer Lodge Accounting and Financial Procedures policy for reimbursement policy and procedures. Employees are expected to limit expenses to reasonable amounts. Please refer to the City's Personnel Policy section on Vehicle Usage for more information related to mileage reimbursement. ~~Mileage, lodging and other expenses will be reimbursed according to a schedule adopted from time to time by the City of Deer Lodge~~

For meals, the City will reimburse employees up to \$40 a day. Employees are encouraged to not exceed this amount, unless your supervisor has pre-approved a higher reimbursement because of travel to an area with higher food and lodging costs. Additional expenditures above the approved reimbursement rates will be borne by the employee. All receipts must be kept and delivered to your supervisor immediately after your business-related travel and should be itemized, showing name(s), date(s), and amount(s). The City will not reimburse the purchase of alcoholic beverages.

Management ~~With regards to lodging, your supervisor~~ must approve all business travel in advance. Receipts showing name(s), date(s), travel purpose, and requested reimbursement amount(s) must accompany travel and/or business expenses submitted for reimbursement.

TRAINING

As soon as you begin employment, you will be scheduled to report for a new employee orientation that will cover the City of Deer Lodge and department policies and the work methods and safety precautions

related to doing your job properly and safely or that may be required by federal, state or the City of Deer Lodge law, rule, regulation or policy.

Your training may also include on-going on-the-job and/or in-service training to introduce you to new work techniques, safety procedures, and other important information.

SOLICITATIONS

You may not distribute or post literature, notices or other printed material which are not directly related to the City of Deer Lodge programs at any time in working areas or on the City of Deer Lodge provided bulletin boards that have been reserved for the posting of official notices unless the notice, poster, or material has been approved in advance by the Chief Administrative Officer. Non-employees may not solicit for any purpose nor engage in distribution of any kind at the City of Deer Lodge, unless approved in advance by the Chief Administrative Officer.

OUTSIDE EMPLOYMENT

The City of Deer Lodge recognizes you may desire to use your skills and knowledge to supplement your income by accepting employment with another employer outside of regular working hours. However, such desires must be balanced against our need for full productivity during working hours and loyalty from our employees. We expect you to be aware of this commitment to the City of Deer Lodge and not to accept any employment that is in conflict or competition with our mission, goals or operations. You may be identified by family members or members of the public as the City of Deer Lodge employee even during off-duty hours, and any improper conduct you engage in reflects upon the City of Deer Lodge's reputation.

Outside employment will not be considered an acceptable reason for poor job performance, absenteeism, tardiness or refusal to work overtime as business demands may require. If outside employment interferes with an employee's work for the City of Deer Lodge, or a conflict does in fact exist, the employee must make a decision as to where they desire to work. If an employee has a question about any potential conflict, they should contact the Chief Administrative Officer for clarification.

GIFTS AND GRATUITIES

Employees are prohibited from receiving or giving any gift, gratuity, or payment for services rendered beyond the wage or salary paid by the City of Deer Lodge, not to exceed \$50.00 annually. No employee of the City of Deer Lodge, or members of his/her immediate family, may give or accept any case, gifts, special accommodations or discounts, favors, or use of property or facilities to or from anyone with whom the City of Deer Lodge does business or is negotiating business on behalf of the City of Deer Lodge that exceed the \$50.00 annual limitation. Gifts bearing a supplier logo, which are distributed generally and cost no more than \$5.00, may be excluded from the \$50.00 annual limitation. Unsolicited gifts of a nominal value given by co-workers to employees in recognition of birthdays, anniversaries or other special events are not prohibited by this policy.

CITY PROPERTY

We provide offices, desks, computers and other property and equipment for your use while employed by the Agency. The City of Deer Lodge reserves the right to open and inspect any office, desk, computer, file cabinet or other property at any time, with or without reason, notice or consent.

Messages stored on the City of Deer Lodge's electronic equipment (voice mail, e-mail, computer files, etc.) are subject to inspection regardless of the use of a personal password. The City of Deer Lodge reserves the right to access any electronic file when necessary.

You are not permitted to use City of Deer Lodge property for personal reasons, unless otherwise indicated in this policy. This includes but is not limited to City of Deer Lodge vehicles, computers, equipment, tools, facilities, and resources. This restriction applies both while at work and during non-work hours. If you are concerned that a particular use of City of Deer Lodge property may violate this policy, consult with your supervisor as to whether such use is allowed.

COMPUTER USAGE

You may only use City of Deer Lodge IT resources, such as computers and facilities, to carry out your official duties, with some exceptions as listed below. If you deviate from these standards, you may be subject to penalties as prescribed by your supervisor. You are personally responsible for your conduct and behavior in the use of assigned resources.

We realize you may from time to time need to use City of Deer Lodge IT resources for personal reasons. Accepted personal use includes but is not limited to using e-mail for essential personal communication such as messages to family members, significant others, teachers, doctors, and day-care providers to communicate work schedule changes, status, or other personal business. Acceptable Internet usage includes personal information gathering, as long as it does not interfere with your productivity or preempt any business activities. There is no expectation of privacy while using City of Deer Lodge IT resources. All activity can be logged, monitored, and reviewed.

You may not attempt to gain access to, disclose, or remove any user ID, information, software, or file that is not your own and for which you have not received explicit authorization to access.

You may not interfere with, encroach on, or disrupt others' use of City of Deer Lodge IT resources. This includes playing computer games; streaming non-work-related video; sending excessive messages; attempting to crash or tie up City of Deer Lodge computers; or damaging computer facilities, equipment, software, or computer files. IT resources cannot be used for commercial or political purposes.

City of Deer Lodge emails may only be used for conducting official business. Email is considered public record and you should have no expectations of privacy when using your City of Deer Lodge email. You may not use your City of Deer Lodge email to circulate chainmail, spam, or inappropriate materials.

TELEPHONE USAGE

We realize you may from time to time need to make or receive personal phone calls while at work. Please keep personal calls (including personal cell phones) to a about three (3) minutes to keep phone lines available for business use and to avoid loss of work time. If a personal call results in charges from our telephone service provider, you must make arrangements to reimburse the City of Deer Lodge.

CITY VEHICLE USAGE

The City of Deer Lodge owns and leases motor vehicles for the purposes of conducting official business. The City of Deer Lodge requires all employees to comply with the policies set forth in this handbook governing the use and management of motor vehicles. Only drivers authorized to operate motor vehicles for official business are allowed to operate a City of Deer Lodge vehicle, unless otherwise authorized in writing by your supervisor. Supervisors are responsible for monitoring employee vehicle use and taking appropriate disciplinary action for noted violations. Employees who violate this policy, statute, or administrative rules are subject to disciplinary action up to and including discharge.

Authorized drivers of City of Deer Lodge vehicles include:

- City of Deer Lodge employees conducting business on behalf of the City of Deer Lodge;
- Authorized passengers relieving drivers due to illness, fatigue, or other physical or mental incapacity;
- Aides for disabled employees subject to the prior written approval of the Chief Administrative Officer or Mayor; and
- Independent contractors or temporary employment agency employees contracting with the City of Deer Lodge when a City employee is not available and subject to the prior written approval of the Chief Administrative Officer or Mayor.

Authorized passengers of City of Deer Lodge vehicles include:

- City of Deer Lodge employees, independent contractors, guests, or clients while conducting business on behalf of the City of Deer Lodge;
- Aides to employees with a disability with prior written approval of the Chief Administrative Officer or Mayor; and
- Persons rendering or in need of assistance during a medical or other life-threatening emergency.

Authorized daily vehicle operation includes:

- Parking a vehicle overnight at the home of a City of Deer Lodge employee in order to begin travel the next day;
- Obtaining food, necessities, and lodging while in travel status;
- Police Officers are allowed to maintain vehicles at their residence and respond when 911 dispatch has requested their assistance for any reason;
- Responding to medical or other life-threatening emergencies; and
- Conducting after-hours personal business, recreation, or leisure within a 30-mile radius of the City of Deer Lodge employee's lodging when required to stay overnight at a location other than the established work location.

Requirements regarding use of personal vehicles on behalf of the City of Deer Lodge:

- If you require a vehicle, you must use a City of Deer Lodge-owned or leased vehicle unless circumstances justify the use of your personal vehicle and prior written approval is obtained from your supervisor;
- You are not required to use personal vehicles for City of Deer Lodge business;
- If a City of Deer Lodge-owned or leased vehicle is not available, reimbursement for personal vehicle use will be at the highest current rate determined by 2-18-502, MCA; and

- If a City of Deer Lodge-owned or leased vehicle is available and/or you request to conduct personal business while in travel status, reimbursement for personal vehicle use will be at the lowest current rate determined by 2-18-502, MCA;

Prohibited Vehicle Use:

The following are prohibited while using a City of Deer Lodge-owned or leased vehicle:

- Transporting unauthorized passengers;
- Personal business use, e.g., shopping, medical appointments, and recreation when the employee is not in travel status. Travel status is defined as a work-related trip as approved by your direct supervisor;
- Operating a vehicle within 8 hours of consuming or while under the influence of alcohol, illegal drugs, marijuana, or prescription drugs that affect your ability to operate a vehicle safely;
- Carrying or consuming an alcoholic beverage; and
- Smoking, in compliance with 50-40-104, MCA, Montana Clean Indoor Act.

Agreements and Requirements:

- All City of Deer Lodge employees possessing out of state driver's licenses must transfer or renew their driver's license in Montana within 60 consecutive days of residency.
- You must use seat belts at all times and lock the vehicle when left parked.
- You may not use cellular phones or other mobile electronic devices for texting while driving. You are strongly encouraged not to use cellular phones or other mobile electronic devices for calling while the vehicle is in motion.
- If you have an accident while conducting City business resulting in injury or death of any person or property damage you shall immediately give notice of the accident to the appropriate law enforcement entity in accordance with 61-7-108, MCA.
- If you are involved in a vehicle accident or become aware of damage or vandalism to a City of Deer Lodge-owned or leased vehicle you must alert your supervisor within 24 hours.
- Vehicle operators must ensure that City of Deer Lodge-owned or leased vehicles are clean, mechanically maintained at all times, and not operated with any defect or problem that would prevent safe operations.
- The City of Deer Lodge utilizes maintenance intervals consistent with manufacturer's recommendations. Preventative maintenance is performed on vehicles at regular intervals based upon manufacturer's recommended standards and vehicle driving conditions.
- City of Deer Lodge-owned or leased vehicle repairs, maintenance and vehicle-related purchases that are atypical must be pre-approved by obtaining permission from your supervisor. Emergency repair is permissible if a City of Deer Lodge-owned or leased vehicle breaks down after normal business hours, immediate vehicle use is necessary, and a reasonable alternative is not available. In this case, your supervisor must be notified of the repair and cost the next business day.
- Fuel transactions will be reviewed on a random basis to determine appropriateness of transactions in comparison to your work hours, locations, duties, and normal expenses. Criteria may include date and time of the transaction, number of transactions per vehicle and/or employee, merchant and/or location information, and odometer readings.

- You must obey all traffic and parking laws and report any infractions to your supervisor within 24 hours. You are responsible for paying all fees or fines resulting from a traffic or parking violation.

ADHERENCE TO GOVERNMENTAL AND ACCREDITATION REQUIREMENTS

In addition to following these personnel policies, all employees must comply with all applicable local, state, federal and/or national laws, rules, regulations or professional standards that relate to accreditation, program operation, receipt of governmental funds or otherwise relate to the performance of their assigned job duties.

DRUG FREE WORKPLACE

In 1988 Congress passed a variety of anti-drug legislation which included the Drug-Free Workplace Act (DFWPA). This Act requires that agencies and individuals, who receive Federal aid or who contract with the Federal government, adopt specific policies regarding the illegal possession and use of controlled substances. To comply with this Act, the City of Deer Lodge has adopted the following policy.

All City employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace. "Controlled substances" are defined in schedules I through V of Section 812 Title 21, United States Code. Examples of controlled substances include illegal narcotics, cannabis, stimulants, depressants and hallucinogens.

The City may also require employees who violate this policy to satisfactorily participate in a drug-abuse assistance or rehabilitation program as a condition of continued employment.

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official City business must inform the Chief Administrative Officer of such conviction within five (5) days after the conviction.

SMOKE-FREE WORKPLACE

In compliance with the Montana Clean Indoor Air Act, the City of Deer Lodge offices, City-owned vehicles and all City buildings and other enclosed spaces are non-smoking sites. Employees wishing to use lawful tobacco products may do so on regularly scheduled breaks or lunches only, and only in locations specifically designated as smoking areas. Employees will not be provided additional breaks to smoke outdoors.

Additionally, smoking within twenty feet of a doorway, window or air intake is prohibited unless otherwise authorized by the Mayor or Chief Administrative Officer.

HEALTH REQUIREMENTS

The State of Montana mandates that certain types of work can only be performed by individuals who have been certified free of tuberculosis. If you work in a covered position you will be informed and be required to either have a tuberculosis screening test within 30 days from the date of your employment or provide evidence from a physician that you are tuberculosis free.

You may also be required to obtain a First Aid and Cardiopulmonary Resuscitation (CPR) certification before the end of your probationary period and keep the certification current throughout your employment.

DRIVER'S LICENSE AND DRIVING RECORD

If your job requires operation of a motor vehicle, you must maintain a valid driver's license and a driving record acceptable to our insurer. Any changes in your driving record or status must be reported immediately. Employees whose job requires a Commercial Driver's License (CDL) are subject to additional federal and/or state established license requirements and must meet the standards established as a condition of holding the CDL.

SMOKING

In compliance with the Montana Clean Indoor Air Act, City of Deer Lodge offices, City-owned vehicles and all City buildings and other enclosed spaces are non-smoking sites. Employees wishing to use lawful tobacco products may do so on regularly scheduled breaks or lunches only. Employees will not be provided additional breaks to smoke outdoors unless approved by the Mayor or Chief Administrative Officer.

DRESS, APPEARANCE AND PERSONAL HYGIENE

Your personal appearance and hygiene affect citizen and co-worker relations. It can create favorable or an unfavorable impression of you and the City of Deer Lodge employees are expected to dress in a manner suitable to job duties assigned to them. Clothing that is excessively soiled, is in need of repair, or that might create a safety hazard is considered inappropriate and is prohibited. Dress, hair style, cosmetics and jewelry which might reasonably be considered by families, co-workers or members of the public to be extreme, offensive, not in good taste, revealing or distracting are inappropriate and unacceptable. Jeans are allowed but must be kept clean and free of holes and patches.

Any variation of this dress code must be approved by the Chief Administrative Office or Mayor. If you are unsure about the safety or acceptability of your clothing choice, please ask the Chief Administrative Officer for clarification.

CITIZEN COMPLAINT RESOLUTION PROCESS

The purpose of this policy is to provide guidance to the City Council, Mayor, City staff and citizens of Deer Lodge for filing, investigating, and researching complaints. The City of Deer Lodge is committed to maintaining quality of services; professionalism; integrity; teamwork; diversity; empowerment; and improve relationships between City employees, City Council members, the Mayor and the citizens. It is the policy of the City of Deer Lodge to seriously consider matters which are brought to our attention or lodged by citizens. This process provides citizens with the opportunity to report problems, protect individual rights, assure high-quality and consistent service, and ensure improved employee and departmental performance when necessary.

A complainant may at any time file a formal complaint with any City employee. A formal complaint defines, in writing, the names of those involved, identifies witnesses, describes when the event occurred, explains the details of the complaint providing the essential facts and the complainant's

suggested resolution. It is the responsibility of that employee to give the complaint to the Chief Administrative Officer.

The Chief Administrative Officer may conduct an informal investigation of the complaint. He/she may meet with the parties involved, together or separately, to discuss the situation. Where disciplinary action is a possibility, he/she may conduct an investigation in accordance with the city's personnel policies and collective bargaining agreements. The Chief Administrative Officer may make a decision to finalize the complaint and may inform the parties of the decision. Depending on the nature of the complaint, the City of Deer Lodge reserves the right to not investigate.

Although time limits are not required in the Citizen Complaint Resolution Process, all parties are requested to initiate the process promptly and resolve the conflict in a timely and reasonable fashion. Generally, all complaints will be kept on file.

SAFETY

We seek to provide you with a work environment reasonably free from recognized hazards and to comply with applicable federal, state and local health and safety regulations. You should be constantly alert to protect your own safety and health and that of any staff members or members of the public. You are expected to comply with all safety and health requirements whether established by the City of Deer Lodge or by federal, state or local laws. The Safety Committee meets regularly to review matters pertaining to the City of Deer Lodge safety.

All job-related injuries, no matter how minor, must be reported. For injuries or other health-related conditions requiring immediate medical treatment, we will contact the emergency contact individual designated in your personnel file if requested or appropriate.

You are expected to work in a safe manner and observe safe working procedures adopted by the City of Deer Lodge. If the use of safety equipment or procedures has been established for the task you are performing, you will be notified by your supervisor. You are expected to comply with the procedures and to wear or use safety equipment as directed by your supervisor and/or the City of Deer Lodge policies and procedures.

DISCIPLINE HANDLING

Any employee who has been found to:

- have violated generally accepted standards of workplace behavior or other applicable policies or procedures, or;
- have refused to carry out the instructions of a person in a position of authority, or;
- not met our standards of job performance or conduct,

is subject to disciplinary actions up to and including termination of their employment.

When deciding the appropriate actions taken by the City in any situation, the City will consider the seriousness of the offense and the employee's prior employment record. Violations may result in appropriate disciplinary action up to and including termination on the first offense.

In all cases, an employee subject to disciplinary action shall be informed by their supervisor of the alleged violations and employer's evidence and the employee shall be allowed to present his/her side of the story and evidence orally and/or in writing before any disciplinary action is imposed.

If the disciplinary decision is termination, the Department Head shall, at discharge or within seven (7) days of the date of discharge, notify the discharged employee of the existence of the City's "Employee Grievance Procedure" and provide the discharged employee with a copy of the "Procedure".

EMPLOYEE GRIEVANCE PROCEDURE

We encourage you to seek information or advice on any matter that is troubling you, or to call attention to any management action which you believe is inconsistent with these policies or procedures. It is our policy to attempt to resolve job-related problems whenever possible through informal discussions between you and your immediate supervisor.

If you have made an attempt to correct the problem through informal discussions and you believe the problem has not been resolved, you may file a written complaint using the formal procedure described below. If you are a probationary employee, you are not eligible to grieve your termination.

The timeframes established in this procedure may be extended upon written mutual agreement of the parties. The term "day" as used in this policy refers to workdays, Monday through Friday, which are not observed as holidays by the City of Deer Lodge. The grievant carries the burden of moving the grievance forward within the time period specified for that step. The failure of the grievant to include required content, adhere to the time frames specified below or to advance the grievance to the next step of the procedure within the allotted time frame will result in dismissal of the grievance.

FORMAL PROCEDURE

Step One

You must submit your grievance in writing to the Chief Administrative Officer within 10 days of knowledge of the alleged incident. In your complaint, you must describe your complaint including a description of how you believe an established policy, procedure, law or rule was violated and indicate what action(s) you believe the City of Deer Lodge should take to resolve your complaint.

The Chief Administrative Officer will have 10 working days to investigate as may be necessary and respond to the employee's written complaint.

If your grievance is against the Chief Administrative Officer, you must submit your grievance and any supporting materials to the Mayor.

Step Two

If within five days of the date the response was received or was due, you may notify the Mayor in writing of your desire to go to step two of the procedure. You should submit the complaint along with any supporting materials, and a copy of the response, if any, received in Step One to the Mayor. The Mayor or his/her designee may interview those involved in the dispute and may conduct any investigation he/she believes is necessary to render a proper decision.

The Mayor has 30 working days from the receipt of your appeal to issue a decision.

Step Three

If the employee is not satisfied with the Mayor's decision, the employee may appeal an issue involving demotion, unpaid suspension, or discharge to the City Council President within ten (10) days of receipt of the Mayor's decision. Appeals are based on the record created in Step Two of this procedure and take the form of a review of the decision made at step two. The purpose is to ensure the Mayor acted within policy, considered all relevant information and did not abuse their discretion.

The City Council President may within thirty (30) calendar days of the appeal either appoint an ad hoc committee to collect additional information and/or to hear the grievance, or may schedule time at a regular or special meeting of the City Council to hear the complaint and render a decision that is final and binding upon the City of Deer Lodge.

If a complaint is filed by or against the Mayor or if the Mayor's ability to render an impartial decision may be affected, an impartial person may be appointed by the City Council President to carry out the responsibilities normally assigned by this policy to the Mayor.

Commented [CM1]: The CA can also be present if you want more than the Council President at this level of review

TERMINATION OF EMPLOYMENT

Termination of employment includes an employee's resignation, discharge or retirement. A copy of the Employee Grievance Procedure will be furnished to you upon termination. Before you depart, you must return all the City of Deer Lodge-owned property in your possession. Such property might include uniforms, tools, keys, credit cards or the City of Deer Lodge records.

RESIGNATION

If you are a regular employee and decide you wish to voluntarily terminate your employment, we request you provide at least two (2) weeks written notice prior to the effective date of resignation. Generally speaking, we will not approve vacation leave immediately prior to an effective termination date. Your notice of termination will be placed in your personnel file. Failure to give notice required by this policy may result in ineligibility for re-employment.

DISCHARGE

We may find it necessary to terminate you as a result of a reduction in the workforce, misconduct, unsatisfactory job performance, or for other job-related reasons. In the event of termination due to a reduction in the workforce or elimination of the job, you will, except in cases of emergencies, receive advance notice of the termination.

LAYOFFS

If a reduction in the City of Deer Lodge work force becomes necessary, consideration will be given to the programs to be carried out by the City of Deer Lodge. Temporary, seasonal and short-term workers within the classification and department(s) affected by the reduction in force will be terminated before any permanent employees will be laid off.

Reductions in force are categorized as seasonal layoffs or permanent layoffs.

Employees will be chosen for permanent layoff based on consideration of performance, conduct, qualifications, veteran's retention preference eligibility and/or other job-related factors. Only where other factors do not differentiate, will length of continuous service be a deciding factor.

In accordance with 39-29-111 MCA, the City will retain a veteran, disabled veteran, or eligible relative whose performance has not been rated unacceptable over other employees with similar job duties and qualifications and the same length of service. A disabled veteran with a service-connected disability of 30% or more will be retained over other veterans, disabled veterans, and eligible relatives with similar duties, qualifications and length of service.

Individuals who have been permanently laid off from full-time permanent positions shall have a preference for recall to the position they were removed from for a period of ninety days.

Employees classified as "Seasonal" who have been laid off have preference until the next seasonal recall.

If the need for rehiring laid off employees should occur within the applicable recall period, the laid off individual will be sent a written notice at his/her last known address. The individual has five (5) working days to respond to the written notice. If the individual fails to respond or declines the recall, the individual shall have no further recall rights.

Except as may be otherwise provided by law or these policies, if an employee who was permanently laid off is subsequently re-employed by the City of Deer Lodge after the rehire preference period has expired, they lose their original anniversary date and are assigned a new date corresponding to their first day on the job after re-employment.

REHIRES

Except as may be otherwise provided by law, employees who have been terminated or laid off for more than six months and are subsequently re-employed by the City of Deer Lodge will lose their original anniversary date for all purposes and be assigned a new date corresponding to their first day on the job after re-employment. Rehired employees must complete a new probationary period and qualifying periods for benefits in accordance with these policies.

Applications received from former employees will be processed using the same procedures and standards that govern all external applications. The hiring supervisor may consider the former employee's performance records and the circumstances surrounding termination of previous employment with the City of Deer Lodge in the same manner as they would consider other reference check information. This information may be provided to the staff responsible for screening and interviewing applicants.

EMPLOYEE ACKNOWLEDGEMENT

I hereby acknowledge that I have received a copy, and understand it is my responsibility to read and understand the company policies and procedures dated _____. In consideration of my continued employment, I agree to conform to the policies, procedures, rules and statements of the City of Deer Lodge. I understand that the policies, procedures and statements contained in the employee handbook do not form a contract of employment between me and the City of Deer Lodge. I further understand that the policies, procedures and benefits described herein may be modified by the company at any time.

EMPLOYEE'S SIGNATURE

DATE

APPENDIX 1: STATEMENT OF PROCEDURES AND POLICY REGARDING ALCOHOL AND CONTROLLED SUBSTANCE USE AND TESTING

The City of Deer Lodge employees are our community's most valuable resource. Many City of Deer Lodge employees work in environments that can be hazardous to other employees, citizens, and property especially if an employee is impaired. Our goals are to prevent accidents and injuries resulting from the misuse of alcohol and prohibited substances, as well as to provide a healthy and safe working environment.

In meeting these goals, it is our policy to: Comply with Montana's "Workforce Drug and Alcohol Testing Act."

Assure Covered Employees are not impaired in their ability to perform assigned duties in a safe and productive and healthy manner;

Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances;

Create a workplace environment free from the adverse effects of drug and alcohol abuse or misuse;

Recognize drug and alcohol abuse as a treatable illness and encourage Covered Employees to seek professional assistance because alcohol or drug dependency adversely affects their ability to perform their duties;

Maintain a work environment and promote work habits that foster public confidence; and

Strive to continually improve the service we provide the public and recognize the key role our agency plays in public safety;

(1) Comply with Montana's "Workforce Drug and Alcohol Testing Act" as well as applicable federal regulation.

PURPOSE

The purposes of this policy is:

1. To assure worker fitness for duty and to protect our Covered Employees and the public from the risks posed by the use of alcohol and prohibited substances;

2. To inform all Covered Employees of their rights and obligations concerning alcohol and controlled substance testing program as well as to alert Covered Employees to the consequences of violating these policies;
3. To comply with all applicable State and federal regulations governing workplace anti-drug programs;
 - a. The Federal Highway Administration (FHWA) of the U.S. Department of Transportation has enacted 49 CFR Part 382, 391, 392, and 395, as amended, that mandate urine drug testing and breath alcohol testing for persons who are subject to Commercial Driver's License (CDL) requirements and perform Safety-Sensitive Functions;
 - b. The U.S. Department of Transportation (DOT) has also enacted 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens;
 - c. In addition, the DOT has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FHWA.
 - d. To comply with the "Workforce Drug and Alcohol Testing Act" 39-2-205 through 39-2-211, MCA;
 - e. To comply with 41 USC Sec. 701, et seq.
 - f. This policy incorporates the requirements under the above regulations.
4. Nothing in this policy is intended to preclude disciplinary action being taken under existing policy;
5. Neither this policy nor any of its terms are intended to create a contract of employment, or to contain the terms of any contract of employment.

EFFECTIVE DATE OF POLICY and LIMITATION

The Workplace Drug and Alcohol Testing Act mandates that before an employer may test Covered Employees for the presence of alcohol or controlled substances, the employer must first adopt a written policy, and have the policy available for review by all Covered Employees for sixty (60) days prior to the implementation of the policy. Therefore, this Policy will be available for review by all Covered Employees no later than _____, and will be implemented on _____.

Neither this policy nor any of its terms are intended to create a contract of employment, or to contain the terms of any contract of employment.

Commented [CM2]: Decision for the City and MMIA approval

AMENDMENTS TO THIS POLICY

The City of Deer Lodge retains the sole right to change, amend, or modify the terms of this Policy in accordance with the provisions of the Workforce Drug and Alcohol Testing Act as well as applicable federal regulations.

COVERED EMPLOYEES

This policy applies to all the City of Deer Lodge employees who are subject to CDL requirements and perform Safety Sensitive Functions (hereafter referred to as Covered Employees). It applies to on-duty time as well as off-site breaks and lunch periods when a Covered Employee is scheduled to return to work as directed by the City of Deer Lodge.

Covered Employees and Applicants for Safety-Sensitive Positions covered by this Policy include:

1. Public Works Director
2. Utility Operators

PROHIBITED CONDUCT

Controlled substances

Any Covered Employee engaging in the manufacture, distribution, dispensing, possession, or in the use of a controlled substance or alcohol at any work site, with the exception of a substance administered by or under the direction of a physician, will be subject to disciplinary action up to and including immediate termination. Where criminal activity is suspected, law enforcement authorities will be notified. A person who knowingly manufactures, distributes, dispenses, possesses, uses controlled substances or who possesses controlled substances with an intent to manufacture, distribute, dispense, or use the same may face both state and federal criminal sanctions. Under state law, criminal actions of this nature may result in both misdemeanor and felony convictions with criminal sanctions ranging from imprisonment up to 20 years and fines up to \$50,000. Under federal law, criminal actions of this nature may result in both misdemeanor and felony convictions with criminal sanctions ranging from imprisonment up to 15 years (or longer if this is not your first conviction) and fines up to \$125,000 (or greater if this is not your first conviction). Detection levels requiring a determination of a positive result shall be conducted in accordance with the regulations found in 49 C.F.R., Part 40.29.

The City of Deer Lodge shall test for the prohibited substances including those identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812), and as further defined by 21 CFR Parts 1300.11 through 1300.15. This includes: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine. The misuse of legally prescribed drugs or the use of illegally obtained prescription drugs is also prohibited and shall be considered prohibited conduct. Use or ingestion of prohibited drugs is prohibited at all times.

Alcohol

No Covered Employee shall report for duty or remain on duty requiring the performance of Safety-Sensitive Functions while having an alcohol concentration of 0.02 or greater. If there is actual knowledge that a Covered Employee may be under the influence of alcohol while performing safety sensitive functions, the Covered Employee shall not be permitted to perform or continue to perform Safety-Sensitive Functions, pending a reasonable suspicion interview. No Covered Employee shall use alcohol while performing Safety-Sensitive Functions, within (4) four hours prior to performing a safety sensitive function, or during the hours that they are on call or standby for duty. No Covered Employee shall use alcohol within eight (8) hours following an accident or until the Covered Employee undergoes a post-accident test, whichever occurs first.

If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A Covered Employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will result in removal from his/her position for (8) eight hours unless a retest results in a concentration measure of less an 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. Employment will be terminated, and the violating Covered Employee will be referred to a Substance Abuse Professional as outlined in Section 20.0

Prescription drugs

The appropriate use of medically prescribed drugs and/or non-prescription drugs can impair a Covered Employee's job performance and create unsafe conditions.

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel before reporting to work.

The misuse or abuse of legal drugs while performing Safety-Sensitive Functions is prohibited.

Refusal to test

All Covered Employees will be subject to urine drug testing and breath alcohol testing. Any Covered Employee who refuses to comply with a request for testing, who provides false information in connection with a test, who does not report to the collection site in the time allotted, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be removed from duty immediately, their test result categorized as positive, and receive disciplinary action equal to that given for a positive test result. Refusal can include an inability to provide a specimen or breath sample without a valid medical explanation, as well as failure to remain readily available for post-accident testing, a verbal declaration, obstructive behavior; failure to report to a collection site in a timely fashion without a valid reason, or physical absence resulting in the inability to conduct the test, or failure to cooperate with any part of an observed or monitored collection. Any Covered Employee who fails to sign the certification at Step 2 of the Alcohol Testing Form will constitute a refusal of alcohol testing.

It is the policy of the City of Deer Lodge that refusals to test as outlined above will result in termination of employment. A referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O will be provided upon termination.

Failure to notify the City of Deer Lodge of a criminal drug conviction or diversionary prosecution agreement

Any Covered Employee who fails to notify the City of Deer Lodge within 5 days of any criminal drug statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution, shall be subject to immediate removal from safety sensitive duties and disciplinary action up to and including possible termination of employment.

It is the responsibility of all Covered Employees to report to their employer any impairment as a result of substance abuse.

FAIR APPLICATION OF THIS POLICY

The City of Deer Lodge is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner.

Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy regarding subordinates, shall be subject to disciplinary action up to and including termination.

TRAINING

Covered Employees will receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

Supervisors who make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral and performance indicators of probable alcohol and drug use.

APPLICANTS FOR EMPLOYMENT

DOT REQUIRED BACKGROUND CHECKS

In compliance with 49 CFR Part 40.25, the City of Deer Lodge must make a good faith effort to obtain drug and alcohol testing records from prior DOT covered employer(s) for the previous two years for all applicants seeking safety-sensitive positions and all current Covered Employees transferring into a safety-sensitive position. The City of Deer Lodge will require each applicant/transferee for a safety-sensitive position to complete a written consent that allows the release of drug and alcohol testing information from previous DOT covered employers to the City of Deer Lodge. An applicant/transferee who refuses to provide written consent will not be permitted to perform Safety-Sensitive Functions for the City of Deer Lodge.

All safety-sensitive applicants who have previously failed a DOT pre-employment test must provide proof that they have completed a Substance Abuse Professional's evaluation and treatment program in addition to their submission to a pre-employment drug test with negative results prior to their employment into a safety-sensitive job function. The credentials, training and education of the Substance Abuse Professional must meet or exceed the regulation 49 CFR Part 40 Subpart O.

PRE-EMPLOYMENT TESTING

All safety-sensitive position applicants shall undergo urine drug testing prior to employment. Receipt by the City of Deer Lodge of a negative test result is required prior to the first performance assignment of safety sensitive functions. A positive test result will disqualify an applicant from employment within the City of Deer Lodge. The City of Deer Lodge shall notify a Covered Employee/applicant of the results of a pre-employment-controlled substance test conducted under this part, if the Covered

Employee/applicant requests such results within 60 calendar days of being notified of the disposition of the employment application.

REASONS FOR TESTING CURRENT COVERED EMPLOYEES

COVERED EMPLOYEES RETURNING FROM EXTENDED LEAVE

In addition, a Covered Employee who returns from an extended leave period of 90 consecutive days or more, and was removed from the random testing pool, must take and pass a pre-employment drug test prior to resuming or returning to a safety sensitive function. Under this agency's policy, failure to pass the drug test shall result in termination of employment; the violating Covered Employee will be referred to a Substance Abuse Professional.

REASONABLE SUSPICION TESTING

Covered Employees in covered positions may be subject to a fitness-for-duty evaluation which includes urine and/or breath testing when there is reason to believe that drug or alcohol use is a potential factor in affecting job performance.

A reasonable suspicion determination will be made by a supervisor who has been trained in reasonable suspicion and who believes that the Covered Employee has violated the prohibitions of these regulations based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the Covered Employee.

Reasonable suspicion determinations must be documented within twenty-four (24) hours of observation and by test results received. A description of the behaviors that led to the determination must be signed by the person who made the determination. A Reasonable Suspicion Determination form will be used to document and record the Covered Employees behavior, as witnessed by the supervisor.

Examples of reasonable suspicion include, but are not limited to the following:

1. Overt signs and symptoms of impairment
2. The detectable odor of alcohol
3. Physical evidence of drug use, such as possession of drug paraphernalia.

POST-ACCIDENT TESTING

Fatal Accident: A Covered Employee shall be required to undergo urine drug and breath alcohol testing if involved in an accident that results in a fatality (regardless of whether the vehicle is in revenue service). Any other Covered Employee(s), i.e.: maintenance personnel, dispatchers, controllers, whose performance could have contributed to the accident, shall also be tested. As soon as practical following an accident involving the loss of human life, surviving Covered Employees shall undergo drug and breath alcohol testing.

Non-Fatal Accident: A post-accident test shall be conducted if an accident results in injuries requiring immediate medical treatment away from the scene, *OR* if one or more vehicles incurs disabling damage that requires towing from a site; unless The City of Deer Lodge determines, using the best information available at the time of the decision, that the Covered Employee's performance can be completely discounted as a contributing factor to the accident. Any other Covered Employee whose performance

could have contributed to the accident shall be tested. The decision regarding whether the Covered Employee's performance could have contributed to the accident will be made in the sole discretion of the City of Deer Lodge using the best information available at the time of the decision.

Following an accident, the Covered Employee must be "readily available" for testing. Post-accident tests will be done as soon as possible, however in any case, all reasonable efforts shall be made to test the Covered Employee(s) within (2) two hours of the accident, but not after eight (8) hours for alcohol testing and thirty two (32) hours for drug testing. If a drug or alcohol test required by this section is not administered within the required time period following the accident, the City of Deer Lodge shall prepare and maintain on file, a record stating the reasons the testing was not promptly administered.

Any Covered Employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the Covered Employee undergoes a post-accident alcohol test. Any Covered Employee, who leaves the scene of the accident without a justifiable reason or explanation prior to the requirement for drug and alcohol testing, shall be considered to have refused the test; this action will result in immediate removal from safety sensitive duties and termination of employment. A referral to a Substance Abuse Professional will be provided as outlined in Section 20.0.

The post-accident testing requirements shall not delay necessary medical attention for injured persons, nor will they prohibit a Covered Employee who was performing a Safety-Sensitive Function from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

In the rare event that a Covered Employee is unable to submit to a post-accident test within the required time period (i.e., 8 hours for alcohol and 32 hours for drugs) due to circumstances beyond the City of Deer Lodge's control, the results of a blood, urine or breath alcohol test conducted by a federal, state or local official having independent authority for the test, will be considered to meet the requirements for a post-accident test. The test must conform to the applicable federal, state, or local testing requirements and the results must be obtained by the City of Deer Lodge. As per 49 CFR Part 655.44

PERIODIC RANDOM TESTING

Covered Employees shall be subject to random, unannounced testing during the calendar year. The minimum annual percentage rate for random alcohol testing shall be 10% of the average number of Covered Employees. The minimum annual percentage rate for random controlled substances testing shall be 25% of the average number of Covered Employees.

The dates for administering unannounced testing of randomly selected Covered Employees shall be spread reasonably throughout the calendar year and throughout all times of day when Safety-Sensitive Functions are performed. Each Covered Employee who is notified of selection for random alcohol or drug testing shall immediately proceed to the test site. Alcohol testing shall be conducted only while a Covered Employee is performing a Safety-Sensitive Function, just before the Covered Employee is to perform a Safety-Sensitive Function or just after the Covered Employee has performed a Safety-Sensitive Function. A Covered Employee may be randomly tested for prohibited drug use anytime while on duty. The selection of Covered Employees for random alcohol and drug testing shall be made by a scientifically valid method.

The selection process shall provide each Covered Employee an equal chance of being tested each time selections are made. A computer based random number generator that is fair and equitable for the Covered Employees shall derive the list. If a supervisor is in the random selection pool and is responsible for generating or receiving the random list, or responsible for notifying Covered Employees selected by the random list, and the supervisor's name appears on the list, then the generated or received random list shall constitute as notification to the supervisor of random selection and that supervisor shall be readily available for testing and immediately proceed to the collection site for random testing.

Covered Employees in covered positions will be subject to random, unannounced testing.

Drug testing may occur at any time during on-duty time. Alcohol testing will be performed before, during or after the Covered Employee is performing Safety-Sensitive Functions (any period in which the driver is actually performing, ready to perform or immediately able to perform any Safety-Sensitive Functions).

Testing of All Covered Employees on a Date Certain. The City of Deer Lodge may, at its discretion, establish a date when all Covered Employees will be required to undergo controlled substance and/or alcohol tests. That date will be announced at least twelve (12) hours in advance of the testing date. Failure to report for work on the date of the test will be considered a refusal to submit to a test, unless the Covered Employee's absence had been pre-arranged with his/her supervisor prior to being notified of the scheduled tests. Those Covered Employees absent on the day of the scheduled test will be rescheduled for testing at a later date.

TESTING PROCEDURES

The procedures that will be used to test for the presence of alcohol or a controlled substance shall be such that they protect the Covered Employee, the validity of the testing process, the validity of the test results, and ensure that those results are attributed to the correct Covered Employee.

The City of Deer Lodge will pay all costs associated with the testing procedures, except as provided in the "Notification of Results and Requests for Additional Tests," section of this Policy. All Covered Employees will be compensated at the Covered Employee's regular rate, including benefits, for the time attributable to the testing program

Testing shall be conducted in a manner that will ensure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved by the U.S. Department of Health and Human Services (DHHS).

Alcohol initial screening tests will be conducted by a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) or non-evidential alcohol screening device that has been approved by NHTSA. Confirmatory tests for alcohol concentration will be conducted utilizing a NHTSA approved EBT. A trained Breath Alcohol Technician (BAT) shall conduct alcohol screening tests. In accordance with the provisions of 49 CFR Part 40, as amended, the results of both the screening and confirmation of breath alcohol tests, as applicable, shall be displayed to the individual being tested immediately following the test(s). The results will be transmitted by the breath alcohol technician to the City of Deer Lodge in a confidential manner, in writing, in person, by telephone or electronic means in accordance with 49 CFR Part 40, as amended. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

The City of Deer Lodge affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. Handling of tests and confidentially shall be in conformance with 49 CFR Part 40, and as described below:

1. Except as required by law or expressly authorized in this section, the City of Deer Lodge shall not release Covered Employee information that is contained in records maintained per 49 CFR Section 655.73.
2. A Covered Employee is entitled, upon written request, to obtain copies of any records pertaining to the Covered Employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
3. The City of Deer Lodge shall release information regarding a Covered Employee's records as directed by the specific, written consent of the Covered Employee authorizing release of the information to an identified person. Release of such information is permitted only in accordance with the terms of the Covered Employee's consent.
4. Records shall be made available to a subsequent employer upon receipt of a written request from a Covered Employee.
5. The City of Deer Lodge may disclose information required to be maintained under 49 CFR Part 655.73 pertaining to a Covered Employee/applicant, or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of such individuals, and arising from the results of an alcohol and/or controlled substance test administered under this part, or from the employer's determination that the Covered Employee engaged in conduct prohibited by this policy (including, but not limited to, a worker's compensation or other proceeding relating to a benefit sought by the Covered Employee).
6. The City of Deer Lodge shall make available, copies of all results of a requested alcohol and/or controlled substances testing conducted under this policy and any other information pertaining to this alcohol misuse and/or controlled substance use prevention program, when requested by the U.S. Secretary of Transportation and any DOT agency.
7. When requested by the National Transportation Safety Board as part of an accident investigation, the City of Deer Lodge shall disclose information related to its administration of a post-accident alcohol and/or controlled substance test administered following the accident under investigation.

Urine Testing for Controlled Substances

Urine Testing will be the method used to detect the presence of marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each urine specimen. Collection of urine shall be conducted pursuant to the procedures set forth in 49 C.F.R., Part 40.25, as highlighted on Forms E and G, attached to this Policy.

The Covered Employee or applicant shall provide at least forty-five (45) ml of urine. Thirty (30) ml of urine shall then be poured into one specimen bottle, to be used as the primary specimen. The remaining fifteen (15) ml of urine shall be poured into a second specimen bottle to be used as the split specimen. Both bottles shall be shipped in a single container, together with a chain of custody form, to the laboratory. A confirmatory gas Chromatography/Mass Spectrometry (GC/ms) test will be performed

on all specimens testing positive for the presence of any controlled substance. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 C.F.R. Part 40. Urine collection and transportation shall be conducted pursuant to those procedures set forth in 49 C.F.R., Part 40, attached to this Policy and incorporated herein by reference.

Breath Testing for Alcohol Concentration

The presence of alcohol in the body will be conducted utilizing a National Highway Traffic Safety Administration ("NHTSA") approved evidential breath testing device ("EBT Device") administered by a certified breath alcohol technician ("BAT"). The BAT shall follow the procedures set forth in 49 C.F.R., Part 40, as highlighted on Forms F and G, attached to this Policy. The Covered Employee or applicant shall follow the instructions given by the BAT. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. All alcohol concentration tests shall be conducted pursuant to those procedures set forth in 49 C.F.R., Part 40, attached to this Policy and incorporated herein by reference.

POSITIVE TEST RESULTS

Covered Employee's right to contest positive results

All Covered Employees tested under this Policy will be provided with a copy of the test report. Before the City of Deer Lodge will take any action based on a positive test result, the results will be reviewed and certified by a medical review officer trained in the field of substance abuse. All Covered Employees will be given the opportunity to provide notification to the medical review officer of any medical information that is relevant to interpreting test results, including information concerning currently or recently used prescription or non-prescription drugs.

Any Covered Employee who questions the confirmed positive results of a required drug test may request that an additional test of the urine split sample be conducted by an independent, DHHS-certified laboratory selected by the tested Covered Employee. If the additional test results are negative, the costs of such additional tests shall be paid by the City of Deer Lodge. If the additional test results are positive, the costs of such additional tests shall be paid by the tested Covered Employee.

The method of collection, storing, and testing the split sample will be consistent with the procedures set forth in 49 C.F.R., Part 40. The Covered Employee's request for a re-test must be made to the medical review officer within seventy-two (72) hours of notice of the initial test result. Requests after seventy-two (72) hours will only be accepted if the delay was due to documentable facts that were beyond the control of the Covered Employee.

Covered Employees testing positive for controlled substances or alcohol shall be provided the opportunity to rebut or explain the results of any test by submitting a written statement of explanation to the certified medical review officer. No adverse action will be taken by the City of Deer Lodge if, in the opinion of the certified medical review officer, the Covered Employee presents a reasonable explanation or medical opinion indicating that the original test results were not caused by illegal use of controlled substances or by alcohol consumption. Should the Covered Employee present such a reasonable explanation or medical opinion, the test results will be removed from the Covered Employee's record and destroyed.

Upon receiving a positive test result, the City of Deer Lodge will take the following steps:

1. Split specimen testing

Split specimen collection procedures will be followed in obtaining specimens. A Covered Employee is entitled to request, within 72 hours of learning of a verified positive test result, that the split specimen be tested at a different DHHS certified laboratory than that which conducted the test of the primary specimen. If the test result of the split specimen fails to reconfirm the presence of the drug or drug metabolite, the test result shall be ruled "Canceled". The procedures for canceled tests, as outlined in 49 CFR Part 40.187, will be followed. If the test result of the split specimen is positive, the test results shall be deemed positive.

If the laboratory's test of the primary specimen is positive, adulterated or substituted and the split specimen is unavailable for testing, a recollection under direct observation is required.

If a Covered Employee has tested positive in a controlled substance test, and has made a request to the MRO for a test of the split specimen, within 72 hours of being notified of the positive test, the City of Deer Lodge is required to ensure that the cost for the split specimen testing is covered, in order for a timely analysis of the sample. The City of Deer Lodge will seek reimbursement for the cost of the completed test, from the Covered Employee, should the results reconfirm the original positive finding.

2. Submit positive results to the Medical Review Officer.

The designated Medical Review Officer (MRO) shall be a licensed physician (Doctor of Medicine or osteopathy) with knowledge of drug disorders.

The role of the MRO is to review and interpret confirmed positive test results obtained through the employer's testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or processed in accordance with DOT regulations. Additionally, the MRO cannot accept an assertion of consumption of a hemp food product as a basis for verifying a confirmed marijuana (THC) test result as a negative. Consumption of a hemp food product is not to be considered a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen.

The MRO may report to the City of Deer Lodge's Transportation Department Head using any communications device, but in all instances, a signed, written report must be forwarded to the City of Deer Lodge within two (2) business days of completion of the MRO's review of the test.

The MRO's report shall clearly state the following:

- (1) Full name of the Covered Employee tested, as indicated on the Custody and Control Form (CCF)
- (2) Specimen ID number from the CCF and the donor SSN or Covered Employee ID number
- (3) Reason for the test, if indicated on the CCF (e.g., random, post-accident)
- (4) Date of the collection
- (5) Date MRO received Copy 2 of the CCF

- (6) Result of the test (i.e., positive, negative, dilute, refusal to test, test cancelled) and the date the result was verified by the MRO
- (7) For verified positive tests, the drug(s)/metabolites(s) for which the test was positive
- (8) For cancelled tests, the reason for cancellation
- (9) For refusals to test, the reason for the refusal determination (e.g.) in the case of an adulterated test result, the name of the adulterant.

A Covered Employee shall be notified by the MRO of a laboratory confirmed positive test and a verification interview will be conducted with the Covered Employee, by the MRO in accordance with 49 CFR Parts 40.131, through 40.141

3. Verified positive test results.

The City of Deer Lodge shall notify a Covered Employee of the results of random, reasonable suspicion and post-accident tests for controlled substances or alcohol conducted under this part if the test results are verified positive. The City of Deer Lodge shall inform the individual which controlled substance or substances were verified as positive.

4. Dilute test result

The City of Deer Lodge shall, upon receipt of a negative-dilute result from the MRO, exercise the right to require that the Covered Employee/applicant submit to a secondary urine collection as outlined in 49 CFR Part 40.197. A verified positive-dilute specimen constitutes the same action as a verified positive non-dilute result, as described in Section 18.1.

5. Canceled or invalid test result

A drug test that has been declared invalid by the Medical Review officer or canceled for other reasons shall be considered neither positive nor negative. A sample that has been rejected for testing by a laboratory is treated the same as a canceled test. For alcohol testing, a test that is deemed to be invalid per 49 CFR Part 40.267, shall be considered neither positive nor negative.

If a pre-employment drug test is canceled, the Designated Covered Employee Representative (DER) shall require the applicant to take another pre-employment drug test with a verified negative result.

6. Specimen temperature out of range.

During the urine collection process, the urine specimen shall be examined to determine if the specimen may have been altered or substituted. Any urine specimen with a temperature outside of the range specified in 49 CFR Part 40 will result in a second collection, under direct observation.

7. Actions for Positive Test Results.

All Covered Employees are encouraged to make use of the available resources for treatment for alcohol and substance abuse problems. (See Section 18.0)

(1) **TERMINATION.** A first or subsequent positive test is sufficient reason for the City of Deer Lodge to terminate a Covered Employee. The City of Deer Lodge will refer the Covered Employee to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and

treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O will be provided to the violating Covered Employee

(2) CONTINUED EMPLOYMENT. The City of Deer Lodge, at its sole discretion, may continue the Covered Employee's employment on a case-by-case basis. If employment is continued, the following requirements must be met:

(a) Covered Employees who test positive will be immediately removed from safety sensitive functions;

(b) The City of Deer Lodge will refer the Covered Employee to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O will be provided to the violating Covered Employee.

(c) The Covered Employee, at his or her own expense, participate and successfully complete the Return-to-Duty Process as set forth in 49 C.F.R. Subpart O within a reasonable period of time. Failure to successfully complete the Return-to-Duty Process within a reasonable period of time is grounds for termination.

(d) During the period of time the Covered Employee is participated in the Return-to-Duty Process, the City of Deer Lodge may place the Covered Employee on unpaid leave, paid leave, or in duty assignments that are not safety sensitive functions.

(e) Upon successfully completing the Return-to-Duty Process, including a negative urinalysis test result as required, and the City of Deer Lodge receiving the proper documentation of such completion, the Covered Employee may return to his or her previous duties.

8. RETENTION OF RECORDS AND RELEASE OF INFORMATION

All dated records and notifications identified by individual will be maintained by the MRO for a minimum of five (5) years for verified positive controlled substance test results.

All dated records and notifications identified by individual will be maintained by the MRO for a minimum of one (1) year for negative controlled substance test results.

No person other than the Covered Employee may obtain the Covered Employee's individual controlled substance test results retained by the City of Deer Lodge or the MRO, and neither the City of Deer Lodge nor the MRO shall release the individual controlled substance test results of any Covered Employee to any person, except as otherwise provided in this policy.

City of Deer Lodge shall maintain all dated records and notifications identified by individual, for a minimum of five (5) years for verified positive controlled substance test results.

City of Deer Lodge shall maintain all dated records and notifications identified by individual, for a minimum of one (1) year for negative controlled substance test results and any canceled tests.

City of Deer Lodge shall maintain all dated records pertaining to the collection process for two (2) years.

City of Deer Lodge shall maintain all dated records and notifications identified by individual, for a minimum of five (5) years for verified positive alcohol test results.

City of Deer Lodge shall maintain all dated records and notifications identified by individual, for a minimum of one (1) year for negative alcohol test results and any canceled tests.

No person may obtain the individual alcohol test results retained by the City of Deer Lodge and The City of Deer Lodge shall not release the individual alcohol test results of any Covered Employee to any person, except as provided in Section 9.0.

City of Deer Lodge will maintain copies of annual MIS reports submitted to FTA for a minimum of five (5) years.

City of Deer Lodge will maintain Covered Employee training records for a minimum of two (2) years.

City of Deer Lodge will maintain records that are obtained from previous employer for new hires for a minimum of three (3) years from the date of the Covered Employee's first performance of safety-sensitive duties.

A Covered Employee will have access to his or her alcohol or drug testing records upon written request. City of Deer Lodge will release a Covered Employee's records to a prospective employer upon written request of the Covered Employee or individual.

When requested, City of Deer Lodge will disclose post-accident information to the National Transportation Safety Board as part of an accident investigation.

SYSTEM CONTACTS

Any questions regarding this policy or any other aspects of the drug-free and alcohol-free program should contact the following representative (s):

Drug and Alcohol Program Administrator

Name: Jordan Green

Address: 300 Main Street

Phone: 1-406-846-2238 ext. 307

Fax: 1-406-846-3925

National Hot-Line Numbers and Help Lines:

1-800-COCAINE

The American Council on Alcoholism Help Line: 1-800-527-5344

The National Institute on Drug Abuse Hot Line: 1-800-662-HELP

Alcoholics Anonymous: 1-888-707-2000

DEFINITIONS

Accident - an occurrence involving a commercial motor vehicle (CMV) operating on a public road

AND EITHER - involves a fatality;

OR - moving violation is issued to the CMV driver;

AND EITHER - involves injury to a person who, as a result of the injury, immediately receives medical

treatment away from the scene of the accident;

OR - one (1) or more motor vehicles incurs disabling damage as a result of the accident requiring the vehicle to be towed away by a tow truck or other vehicle, or if it were driven, it would be damaged more.

(Note: Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. It does not include damage to tires even if a spare is unavailable, head or taillight, turn signal, horn or windshield damage.)

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

Alcohol concentration (AC) - means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

Alcohol use - the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

Breath alcohol technician (BAT) - an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device.

Commercial motor vehicle (CMV) - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- has a gross vehicle weight rating of 26,001 or more pounds; or
- is designed to transport 16 or more passengers, including the driver; or
- is of any size and is used in the transportation of hazardous materials requiring placards.

Confirmation test - for alcohol testing, this means a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data of alcohol concentration.

For controlled substances testing, this means a second analytical procedure to identify the presence of a specific drug or metabolite determined by Gas Chromatography/Mass Spectrometry (GC/MS) which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

Controlled substances - a dangerous drug as defined in 49 C.F.R., Part 40, (except a drug used pursuant to a valid prescription or as authorized by law) and includes (1) marijuana, (2) cocaine, (3) opiates, (4) phencyclidine (PCP), and (5) amphetamines, including methamphetamines. In this policy, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning.

Covered positions - positions that are subject to Commercial Driver's License (CDL) requirements and perform Safety-Sensitive Functions.

Driver - any person who operates a CMV. For the purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.

Evidential breath testing device (EBT) - a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's September 1993 or later "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Medical Review Officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Negative test - for drugs, a test with the amounts present that are at or below the minimum thresholds in 49 CFR Part 40, as amended. For alcohol, a concentration below 0.04.

Non-prescription drug - a drug, compound, or supplement that is available legally over the counter which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected.

On-duty time - All time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work.

On-duty time shall include:

1. All time at a carrier or shipper plant, terminal, facility or other property, or on any public property, waiting to be dispatched, unless has been relieved from duty by the motor carrier.
2. All time inspecting to make sure that the parts, accessories and emergency equipment are in good working order and ready for use or otherwise inspecting, servicing, or conditioning any commercial vehicle.
3. All time spent at the driving controls of a commercial motor vehicle in operation.
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipment loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Performing a safety sensitive function - means a driver is considered to be performing a Safety-Sensitive Function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any Safety-Sensitive Function. See items 1-6 above in the definition of on-duty time.

Positive test - for a drug test, an amount above the minimum thresholds in 49 CFR Part 40, as amended. For an alcohol test, a breath alcohol concentration at 0.04 or greater.

Prescription Drug - A legally-prescribed drug or medication which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected that a Covered Employee has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, name of the substance, dosage, and the period of authorization.

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

1. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;
2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, or
3. Engages in conduct that clearly obstructs the testing process.

Reasonable suspicion - belief that the Covered Employee has violated the alcohol or controlled Substances prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the Covered Employee.

Safety sensitive functions - see items 1-6 in the definition of "on-duty time" above.

Screening test (also known as initial test) - in alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Substance abuse professional (SAP) - a licensed physician or a licensed or certified psychologist, social worker, Covered Employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselor Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Work Site - any commercial motor vehicle, office, building, yard, or other location at which the Covered Employee is to perform work. "Possess" means to have either in or on the Covered Employee's person, personal effects, commercial motor vehicle, or areas substantially entrusted to control of the Covered Employee. Possession does not include possession of a substance which is manifested and transported as part of a shipment.

QUESTIONS REGARDING POLICY

After you have read this Policy and the attached forms, sign and date the Acknowledgment Receipt in the presence of a non-relative witness and return the Acknowledgment Receipt to the Program Administrator.

If you have any questions regarding this Policy, please contact the Program Administrator.

ISSUED this ____ day of _____, 20__ and made effective and enforceable sixty (60) days thereafter on the ____ day of _____, 20__.

The City of Deer Lodge _____

By: _____

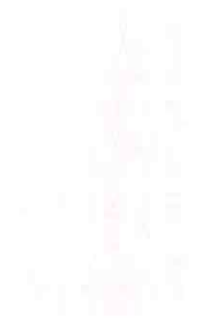
By: _____

By: _____

Attest/Certified By: _____

Name: _____

Position: _____



ACKNOWLEDGMENT OF RECEIPT

This Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Use and Testing and the incorporated forms ("Policy") have been written and adopted in compliance with state and federal law, and is provided to you to ensure your safety, the safety of your co-Covered Employees, and the continued successful operation of the City of Deer Lodge. Take the Policy home with you and spend some time reading through it. If you need additional information, feel free to contact the Program Administrator. Once you have read the Policy and each of the attached forms, sign and date this receipt below as indicated, then detach this receipt and return it to your supervisor. This is your copy of the City of Deer Lodge's Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Use and Testing and attached forms. Please keep it in a convenient place for future reference.

I, _____, certify that I have received a copy of the City of Deer Lodge's Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Use and Testing. I have read and I understand and accept the contents of the Statement and I accept full responsibility for familiarizing myself with the procedures and policies it contains. I understand that as a condition of my employment with the City of Deer Lodge I must comply with these guidelines, policies, and procedures. If I develop a problem with drugs and/or alcohol while employed by The City of Deer Lodge I will seek assistance through the Program Administrator and any available Covered Employee Assistance Program.

DATED this ____ day of _____, 20__.

Covered Employee's Signature

Witness Signature

Parent's Signature if Covered Employee is under the age of 18