



**Stevensville Committee of the Whole Meeting
Agenda for
THURSDAY, JANUARY 30, 2020
6:00 PM**

1. Call to Order and Roll Call
2. Discussion on the Following Items
 - a. [Resolution](#) No. 456, A Resolution Amending the Personnel Policy Manual for the Town of Stevensville
 - b. [Resolution](#) No. 387C, A Resolution Amending the Town Council Rules
3. Public Comment
4. Adjournment

Guidelines for Public Comment

Public Comment ensures an opportunity for citizens to meaningfully participate in the decisions of its elected officials. It is one of several ways your voice is heard by your local government. During public comment we ask that all participants respect the right of others to make their comment uninterrupted. The council's goal is to receive as much comment as time reasonably allows. All public comment should be directed to the chair (Mayor or designee). Comment made to the audience or individual council members may be ruled out of order. Public comment must remain on topic, and free from abusive language or unsupported allegations.

During any council meeting you have two opportunities to comment:

1. During the public comment period near the beginning of a meeting.
2. Before any decision-making vote of the council on an agenda item.

Comment made outside of these times may not be allowed.

Citizens wishing to speak during the official public comment period should come forward to the podium and state their name and address for the record. Comment during this time maybe time limited, as determined by the chair, to allow as many people as possible to comment. Citizens wishing to comment on a motion for decision before any vote can come forward or stand in place as they wish. Comment must remain on the motion before the council.



Stevensville Town Council Meeting

Agenda Item Request

To Be Submitted BEFORE Noon on the Wednesday before the Council Meeting

Agenda Item Type:	Unfinished Business
Person Submitting the Agenda Item:	Brandon E. Dewey
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/30/2020
Agenda Topic:	Resolution No. 456, A Resolution Amending the Personnel Policy Manual for the Town of Stevensville
Backup Documents Attached?	Yes
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	12/30/2019
Notes:	

RESOLUTION NO. 456

**A RESOLUTION ADOPTING THE PERSONNEL POLICY MANUAL
FOR THE TOWN OF STEVENSVILLE**

WHEREAS, the Town Council of the Town of Stevensville adopted the existing Personnel Policy Manual on March 12, 2015, amended the same policy on September 10, 2015, November 12, 2015, February 11, 2016 and May 22, 2017 with the assistance of the Montana Municipal Insurance Authority (MMIA) and the Town Attorney; and,

WHEREAS, the administration recommends changes to Section 35-A, Travel and Expense Reimbursement; and,

WHEREAS, revisions have been recommended by an independent 3rd-party consultant, and the Town's Attorney to address workplace bullying and harassment prevention; and,

WHEREAS, the Town Council intends to update the Personnel Policy Manual from time to time as circumstances change; and

WHEREAS, the Town Attorney and Montana Municipal Insurance Authority have approved of the changes to the Personnel Policy Manual; and

WHEREAS, all previous versions of the Town of Stevensville Personnel Policy Manual are hereby rescinded; and

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Stevensville, that the Personnel Policy Manual is approved and adopted.

PASSED AND ADOPTED by the Town Council of the Town of Stevensville, Montana this ____ day of _____, 2019.

APPROVED:

ATTEST:

Brandon E. Dewey, Mayor

Monica Hoffman, Town Clerk



Personnel Policy Manual

Revised by Resolution #456

December 12, 2019

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Introduction



BRANDON E. DEWEY
MAYOR

Welcome!

It is my pleasure to welcome you as an employee of the Town of Stevensville. Your selection as a successful job candidate is the result of a careful recruitment and evaluation process, and is a confirmation that you possess the education, experience, enthusiasm, pride and professionalism necessary for your success in our challenging and rewarding work environment.

Because we are committed to providing the best possible service and value to the citizens of our historic and dynamic town, we expect you to maintain the highest standards of performance and ethical conduct. In return, we offer competitive salaries, an extensive benefit program, and the satisfaction of working for a forward-thinking community that many call "Montana's first best place!".

We also value the input and ideas of all our staff. Because we are always working to improve our performance, we welcome employee suggestions for new and better ways to manage our programs, services and workers. I maintain an "open door" policy for all employees: If you need to talk to me directly about your ideas for improving the way we do business, or if you are having work-related problems that aren't being addressed by your departmental superiors, then you shouldn't hesitate to call the Town Clerk for an appointment.

Again, welcome to the team that strives every day to make Stevensville a great place to live, work, play and raise a family. Our work here matters. It matters to every child, senior, resident, business owner and visitor to our town, which means your efforts here will matter too. Together, we can make Stevensville even better. I look forward to working with you and to seeing your career thrive here.

Sincerely,

Brandon E. Dewey
Mayor

Receipt Page

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

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

The Town of Stevensville Personnel Policy Manual is implemented by a resolution of the Town Council. As such, it is a directive of the Town Council and shall be followed and implemented by the Mayor's Office, all officers and supervisors of the Town and it is expected that all employees adhere to this manual whenever possible.

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

Signed _____

Date _____

Print Name _____

Position _____

Effective Date of Employment _____

Town of Stevensville Personnel Policy Manual Revision Date December 12, 2019

Attest:

Supervisor _____

Date _____

Overview

The personnel policies of the Town of Stevensville have been established in order to provide a guide to the personnel practices of the Town of Stevensville and to ensure consistency of personnel decisions. It is the intention of the Town of Stevensville to administer the personnel programs in a manner which complies with the letter and spirit of all applicable federal, state and local regulations. The personnel policies of the Town of Stevensville are based on the following principles:

- A. Nothing contained in this Personnel Policy Manual or in any other materials or information distributed by the Town creates a contract of employment between an employee and the Town of Stevensville. During the probationary period, employment is on an at-will basis. This means that employees are free to resign their employment at any time for any reason, and the Town of Stevensville retains the same right.
- B. The Town of Stevensville is an Equal Opportunity Employer and will not discriminate against applicants or employees on the basis of race, religion, gender, national origin, age, citizenship, veteran status, disability, genetics, or other unlawful basis.
- C. Town employees shall abide by the policies and regulations established by the Town of Stevensville, i.e. this Personnel Policy Manual, Safety Manual, Purchasing Policy, Police Department General Manual, Fire Department Standard Operating Procedures, and other functionally related town/departmental standard operating procedures, manuals, etc. Copies of the above documents are kept in each applicable department and are available for review by the employee.
- D. Rates of compensation are established by the Town's classification and compensation plan adopted annually.
- E. The training and education of Town employees is encouraged.
- F. Employees providing efficient and exemplary service deserve recognition by supervisors and department heads.
- G. The Town of Stevensville will make every effort to provide employees with safe working conditions.
- H. The Town of Stevensville will strive to provide prompt attention in the handling of all personnel matters, including complaints, grievances and disciplinary action. Complaints and grievances are ultimately resolved by the Mayor. The Town Council will not handle complaints or grievances filed by an employee.
- I. In the event that any provision of the Town's personnel policies shall conflict with state or federal law, then the state or federal law shall take precedence.
- J. Any term indicating gender is used strictly for grammatical convenience and refers equally to both genders.

1. Definitions

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

Annual Leave – A paid recess or leave of absence; a respite or time of respite from active duty or employment; an intermission or rest period during which activity or work is suspended; a period of freedom from duty or work but not the end of employment.

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

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

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

Exhibit(s) – All Sample Exhibits in this manual, such as Overtime/Comp Time Requests, Time Off Requests, or Travel Requests are subject to change to meet the needs of the Town of Stevensville.

Grievance – An avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this manual. Grounds for submission of a grievance include: Unfair application, interpretation, or violation of Town or Department regulations; or acts of retaliation as a result of utilization of the grievance process.

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

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

Insubordination –Anyone that threatens or assaults an elected official, town officer or supervisor, disobeys, challenges the order of a legally empowered town officer or supervisor, treats with contempt or is disrespectful in language or deportment toward an elected official, town officer or supervisor when the elected official, town officer or supervisor is in the execution of their office commits insubordination.

Insubordination is the act of willfully disobeying one's superior. Refusing to perform an action that is unethical or illegal is not *insubordination*; neither is refusing to perform an action that is not within the scope of authority of the person issuing the order.

Insubordination can manifest itself as a verbal refusal, a nonverbal refusal or an unreasonable delay in completing work. Insubordination includes disrespectful behavior toward an elected official, town officer or supervisor and includes cursing at an elected official, town officer or supervisor, verbally or physically intimidating or bullying a town officer or supervisor or speaking loudly or argumentatively to or about an elected official, town officer or supervisor.

Insubordination includes knowingly disobeying Council Resolutions/Policies, the Town of Stevensville Municipal Code, the Montana Code Annotated and Federal Law.

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

Nonexempt Employee - A nonexempt employee is an employee who, according to the FLSA is entitled to receive at least minimum wage and receive overtime pay or overtime compensatory time after the employee has worked 40 hours in a work week period.

Overtime pay is equivalent to one and one-half times the employee's regular hourly pay for each hour over 40 hours worked. Compensatory time is equivalent to one and one-half times the employee's number of hours worked for each hour over 40 hours worked. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity.

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

Regular Part-Time Employee - An employee who normally works less than 40 hours a week. Regular part-time employees are eligible for limited benefits on a prorated basis.

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

Seasonal Employee - An employee designated as seasonal at time of hire, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. The employee is not eligible to become a regular employee without completing a competitive selection process. A seasonal employee may be eligible for limited or prorated benefits.

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

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

Temporary Employee - An employee who is hired on a temporary basis for a definite period of time not to exceed 12 months and will be terminated at the end of the employment period. This employee may perform temporary duties or regular duties on a temporary basis; however, the employee is not eligible to become a regular employee without completing a competitive selection process. Temporary employees may be eligible for limited or prorated benefits.

Volunteer - A volunteer is a person who gives their services to the Town without any express or implied promise of remuneration. All Town of Stevensville volunteers have no guarantee of employment and no property right to a position, volunteer or otherwise with the Town. In their role as Town of Stevensville volunteers, a volunteer is a representative of the Town and therefore is guided by and subject to the Town’s personnel policy. The volunteer relationship can be terminated at any time by the Town of Stevensville.

Workplace Violence –Any act or threat of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at the work site.

2. Expectations

Welcome to the Town of Stevensville team. The Town of Stevensville wants every employee to know what they can expect from the Town of Stevensville and what the Town of Stevensville expects of each of us. This Policy manual is designed to inform employees what the Town of Stevensville expects of them, Town of Stevensville policies and procedures and the Grievance procedure should employees have a problem.

- Employees are expected to treat members of the public, co-workers, elected officials, vendors, colleagues, and other business contacts with respect and dignity.
- Employees are expected to carry out their duties and responsibilities with attention to detail and perform work in accordance with the policies and procedures of the Town of Stevensville in an efficient and production manner.
- Employee attention to responsibilities and work products should be constant, consistent, efficient and productive. Personal interference or distractions should be kept to a minimum.

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

3. Authority for Personnel Action

The Town of Stevensville reserves the right to direct, hire, promote, transfer, assign and retain employees. The Town of Stevensville also reserves the right to supervise, discipline, and relieve employees from their duties for any reason determined sufficient by the Town of Stevensville; 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 Town of Stevensville. The Mayor and/or their designee will execute personnel actions at their discretion, with consultation and/or consent from the Human Resource Representative/Clerk/Town Attorney when necessary and consistent with all applicable laws, regulations and this policy.

4. Diversity, Harassment and Bullying Prevention

A. Equal Employment Opportunity Statement

It is the policy of the Town of Stevensville to ensure equal employment opportunity (as defined by the Equal Employment Opportunity Commission (EEOC)) and the Montana Human Rights Act for all employees. The Town of Stevensville promotes and affords equal treatment and services to all citizens, employees and representatives. The Town of Stevensville 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 or their designee.

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

The Town of Stevensville 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 Town of Stevensville'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 Town of Stevensville will provide reasonable accommodations to a qualified individual with a disability, provided that such accommodation does not constitute an undue hardship on the Town of Stevensville 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 or other designee and request such an accommodation. The Town of Stevensville 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 Town of Stevensville 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 Town of Stevensville and/or a direct threat to the health and/or safety of the individual or others, the Town of Stevensville will make the accommodation. The Town of Stevensville may also propose an alternative accommodation(s). Town of Stevensville 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 Town of Stevensville 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.

C. 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 or 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

D. Harassment Prevention and Reporting

It is the policy of the Town of Stevensville 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 Town of Stevensville 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 or designee.

The Town of Stevensville encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Town of Stevensville 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. Discipline will follow guidance found in the Discipline Policy.

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.

E. Definitions of Workplace Bullying

Workplace bullying is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms:

- Verbal abuse
- Conduct which is threatening, humiliating, or intimidating
- Work interference, sabotage, which prevents work from getting done
- Exploitation of a known psychological or physical vulnerability

Workplace bullying can generally be considered as negative acts directed toward employees. However, acts of bullying may also include negative acts towards supervision. These include but are not limited to:

- Intimidating or undermining employees or supervisors by demeaning their work standards, not giving them credit, setting them up for failure and constantly reminding them of old mistakes
- Threatening employees' or a supervisor's personal self-esteem and work status.
- Isolating employees/co-workers from opportunities, information and interaction with others.
- Giving impossible deadlines, creating undue pressure and stress, and overworking employees.

F. Workplace Bullying Prevention and Reporting

All employees are to receive regular training regarding bullying, harassment, and sexual harassment in the workplace.

The Town of Stevensville does not tolerate workplace bullying. Individuals who demonstrate behaviors or commit acts consistent with bullying may be removed from the workplace and may be subject to disciplinary action, including termination.

Employees or elected/appointed officials who observe or experience bullying or intimidation in the workplace shall immediately report it to a supervisor or department head. Supervisors or department heads who receive such reports should contact Human Resources regarding investigating the reports and initiating appropriate corrective action.

G. Retaliation

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

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

Please report any retaliation to your supervisor, or the Mayor or designee, immediately. Any report of retaliatory conduct will be objectively, timely and thoroughly investigated in accordance with the Town of Stevensville's investigation procedure. Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to disciplinary actions, up to and including termination.

5. Confidential Information/Personal Gain

Employees of the Town of Stevensville may deal with confidential information. It is imperative that employees maintain Town of Stevensville integrity and not discuss Town of

Stevensville business with people who should not be privy to the information. In some circumstances, Town of Stevensville business should be revealed to other Town of Stevensville employees on a need-to-know basis. If an employee has questions regarding confidential information and to whom the information should be revealed, they should consult with the Mayor and/or their designee, or with Town of Stevensville's legal counsel.

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

6. Lawsuits Against the Town of Stevensville

When an employee is approached by a legal process server, they should refer the server to the Mayor and/or their designee or to legal counsel. Should an authority not be available, and the employee is required to accept served papers, it is the employee's priority to locate and forward the information to either of the authorities listed without opening or reading the documents.

No employee shall discuss aspects of any legal situation that a Town of Stevensville is subject to or is currently involved in including but not limited to lawsuits or hearings without first consulting with the Mayor and/or their designee or legal counsel. Likewise, if an employee is approached for a press release or news quote, refer all contacts to the Mayor and/or their designee.

7. Safety and Health

A. Safety Policy

The Town of Stevensville is committed to the safety and health of our employees, members, and work sites. We are responsible for providing the resources necessary for employees to follow the Montana Safety Culture Act and other safety regulations related to our work. We will strive to set expectations for continual improvement as a safe Montana business.

Employee recommendations to improve safety and health conditions will be given thorough consideration. It is the policy of the Town of Stevensville that employees report unsafe conditions and do not perform work tasks if the work is considered by them to be unsafe.

- Employees must immediately report all accidents, injuries/illnesses, near misses, and unsafe conditions to their supervisor.

No such report will result in retaliation, penalty or other disincentive; however, employees will be held accountable for not reporting such incidences. Management will promote and influence safe behavior by both positive reinforcement of correct and safe work practices, and by disciplinary action for those who willfully or repeatedly work in an unsafe manner.

For this program to be successful, the injured employee must report all injuries to their immediate supervisor on the same day of the incident.

If an employee notices a potential hazard, they should notify the responsible supervisor so that the appropriate corrective action can be identified and implemented.

Employees must use safe driving habits and wear seat belts while traveling in Town of Stevensville vehicles. Employees should not operate or use equipment if they are not authorized or do not have the appropriate licensure.

B. Workers Compensation

Workers' compensation insurance is fully paid by Town of Stevensville and covers all employees. If an employee receives a workplace injury/illness he/she must report it to their immediate supervisor on the same day of the injury/illness. Failure to do so may result in a loss of benefits.

C. Return to Work

Town of Stevensville believes employees are its most important asset. Town of Stevensville is committed to assisting our injured employees to return to work as soon as medically appropriate.

There are many ways to implement a Return to Work program that meets the needs of both Town of Stevensville and an injured employee. When practical, focus will be to modify the employee's existing position and/or work schedule temporarily, or to create a position to accommodate the temporary physical restrictions identified by the treating medical provider. If the injury results in permanent restrictions, Town of Stevensville will follow the provisions of the American's with Disabilities Act.

Please advise your treating medical provider of our Return to Work Program so they are able to design a temporary, transitional duty assignment to allow return to work as soon as possible.

D. Workplace Violence

Town of Stevensville is committed to preventing workplace violence and to maintaining a safe work environment. Town of Stevensville has adopted the following guidelines to deal with

intimidation, harassment or other threats of or actual violence that may occur onsite or offsite during work-related activities.

All employees, citizens, vendors and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay” or other conduct that may be dangerous to others.

Conduct that threatens, intimidates, or coerces another employee, a citizen, vendor or business associate will not be tolerated. Town of Stevensville resources may not be used to threaten, stalk or harass anyone at or outside the workplace, in person or via electronic communication such as email, social media, etc. Town of Stevensville treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, or the Mayor or designee. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

The Town of Stevensville will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The Town of Stevensville will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation, the Town of Stevensville may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to disciplinary action up to and including termination of employment.

The Town of Stevensville encourages employees to bring their disputes to the attention of their supervisor or the Mayor or designee before the situation escalates. The Town of Stevensville will not discipline employees for raising such concerns in good faith.

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

Police Officers are exempt from the Work Place Violence policy when acting within the course and scope of their duties and privileges as law enforcement officers.

An exception to this Policy must be requested in writing from the Mayor for approval.

If a Town of Stevensville employee has violated this policy, such action may warrant disciplinary action, up to and including termination. If necessary or appropriate, the Town of Stevensville will notify the necessary law enforcement personnel and prosecute violators of

Town of Stevensville Code.

E. Intimate Partner / Family Violence

Employees should promptly inform the Mayor or designee of any protective or restraining order that they have obtained that lists the workplace as a protected area, as well as any safety concerns with regard to intimate partner/family violence. The Town of Stevensville will not retaliate against employees making good-faith reports. The Town of Stevensville is committed to supporting victims of intimate partner/family violence by providing referrals to the company's employee assistance program (EAP) and community resources and providing time off for reasons related to intimate partner violence.

8. Alcohol and Drug Free Workplace

In compliance with the Drug-Free Workplace Act of 1988, (41 USC §§ 701-707), the Town of Stevensville is committed to providing an alcohol-free and drug-free workplace. The Town of Stevensville prohibits the unlawful manufacture, distribution, sale, possession or use of a controlled substance or alcohol in the workplace or while conducting business. All employees must comply with this policy and notify the Mayor and/or their designee in writing of any drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

The Mayor or designee is responsible for notifying the appropriate federal granting agency of the conviction when the employee involved is working on a federal grant or contract, within ten (10) days of learning of the conviction. Employees who violate this policy may be subject to disciplinary action up to and including termination.

The Town of Stevensville currently has an Employee Assistance Program available to employees. The program offers confidential assistance to employees or their family members who are experiencing personal problems including drug and alcohol problems.

Town employees holding a State of Montana Commercial Driver's License (CDL) as required by their job descriptions are subject to mandatory and random drug tests. Refer to the Town of Stevensville Drug and Alcohol Testing Policy.

9. Smoking and Tobacco Use

The Town of Stevensville offices and workspaces are smoke and tobacco free.

This includes, but is not limited to, use of regular cigarettes, cigars, pipes, vapor/electronic cigarettes and any other smoking device, chewing tobacco, snuff, etc.

Employees may smoke during scheduled break and meal periods. Smoking and tobacco use are only permitted in areas outside of buildings, in an area that would not cause offense to any other person. If in doubt, ask your co-workers or people within the area.

Smoking is prohibited inside all Town vehicles.

For those employees who do smoke common courtesy is encouraged by exercising the following:

- Smoking within a presumptively reasonable distance from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows or other means.

10. Hiring and Selection of Employees

The Town of Stevensville's objective is to recruit, select and appoint the best people available for positions.

The hiring supervisor or their designee will create selection criteria prior to accepting applications for the vacant position in accordance with the minimum requirements set forth in the position description. Selection will be on the basis of merit and the principles of equal opportunity will apply.

A. Initial Hiring Preferences:

It is the policy of the Town of Stevensville that hiring preference may be given to regular fulltime or part time Town employees possessing the necessary qualifications for the vacant position, with first considerations given to those employees working for the Town of Stevensville.

The Position shall be open and posted in the workplace for five business days for internal recruitment. Should the most qualified candidate come from that internal posting, the Town is not obligated to open the position to public announcement.

Per MCA 39-29-102 (Veterans' Public Employment Preference Law) and MCA 39-30-103 (Persons with Disabilities Employment Preference Act), the Town of Stevensville shall provide for employment preference in initial hiring (a personnel action for which applications are solicited from outside the ranks of the current regular employees of the Town of Stevensville) for certain applicants. Veterans and Disabled Veterans receive a percentage increase when using a scored process.

If the selection process is other than a scored procedure, the Town of Stevensville shall give

preference to a disabled veteran, a person with a disability, a veteran, an eligible relative and an eligible spouse in that order over any non-preferred applicant holding substantially equal qualifications.

Applicants must claim preference prior to the closing of the announcement, ideally at the time of application.

It is also the policy of the Town of Stevensville that all position vacancy notifications will be sent to all Town employees and the Town Council by electronic media.

B. Preference Related to Injury of a Prior Employee:

Per MCA 39-71-317, when an injured worker is capable of returning to work within 2 years from the date of injury and has received a medical release to return to work, the worker must be given a preference over other applicants for a comparable position that becomes vacant if the position is consistent with the worker's physical condition and vocational abilities. This applies only to employment with the employer for whom the employee was working at the time the injury occurred.

C. New Employees

New employees will complete an informal orientation session with the Mayor and/or their designee. The employee will have the opportunity to complete necessary employment forms required by Federal and State Statutes, as well as payroll and withholding information. The Mayor and/or their designee will explain in general terms the rules and expectations and provide an overview of the pay and benefit packages offered by the Town of Stevensville. The employee will be responsible for reading and following the policies established within the policy manual, to include understanding their employment classification. In addition, new employees will be provided orientation and education specific to the equipment and tasks required of their new position.

All employees will serve a six (6) month probationary period. (Probationary Periods for the Fire Department may differ. Police Officers are statutorily required to submit to a one (1) year probationary period). The probationary period allows time for the employee to learn the position as well as time for the supervisor to evaluate an employee's potential and performance. During the established probationary period, the Town of Stevensville reserves the right to terminate an employee with or without cause. An evaluation should be completed prior to completion of the probationary period to notify the employee of their status (regular, terminated or extended probation when applicable).

D. Employment of Relatives (Nepotism)

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

11. Outside Employment

The Town of Stevensville should be the primary job for regular full time and part time

employees. Should another position interfere in any way with the employees' ability to satisfactorily complete Town of Stevensville job duties, the employee may receive disciplinary action up to and including termination.

12. Remote Employment

In some situations, the Town of Stevensville may see fit to hire employees who reside in different locations. Remote employment brings with it unique responsibilities and advantages that should not be abused or misused. If a remote employee requires a unique work environment that is deemed unreasonable by the employer or creates a situation which the Town of Stevensville determines is not workable, the Town of Stevensville may require that the employee work out of the appropriate Town of Stevensville facility. If the employee is unable to transition to the designated worksite, the Town of Stevensville reserves the right to take other actions as required in accordance with Town of Stevensville policies. Specific conditions of remote employment shall be included in the employee's individual employment agreement.

13. Personnel Files

The Town of Stevensville maintains records on every employee related to their employment with the Town of Stevensville. The employee's personnel file will contain information such as employment application/resume or cover letter, performance evaluations, training records, commendations and awards, disciplinary records, and resignation/termination records.

Any information obtained for EEO purposes, medical information, Drug and Alcohol Testing records and Background Check Results will be kept in separate, confidential files and accessed only on a need-to-know basis as authorized by the Mayor, Human Resource Representative and/or their designee so long as it does not violate any laws, regulations or policies set forth in this manual.

- Personnel files are confidential and only accessible to the Mayor, Human Resource Representative or Supervisors on a need-to-know basis for personnel actions.
- Upon request to the Mayor, Human Resource Representative and/or their designee and with the Mayor, Human Resource Representative or designee present, employees may inspect and make copies of their personnel records. When appropriate, certain records may be subject to redaction or withholding when employee privacy concerns are implicated.
- Employees should contact the Mayor, Human Resource Representative and/or their designee to establish a convenient review time.

14. Resignation/Termination

A. Voluntary Resignation/Retirement

Employees who are voluntarily resigning from the Town of Stevensville are requested to give a written notice with a minimum of two weeks. Employees will be provided their final paycheck within 15 calendar days or the next scheduled pay period, whichever is less. Any outstanding amounts owed to the Town of Stevensville will be deducted from the employee's final paycheck.

B. Re-Employment

Depending on the circumstances surrounding the resignation, employees who resign from the Town of Stevensville may be eligible for re-employment.

- Former employees will be required to complete an application and proceed through the regular hiring procedure the same as other applicants.
- A former employee who is re-hired by the Town of Stevensville will be considered a new employee and required to complete the 6-month probationary period.
- Date of service, for seniority purposes, will be the date of instatement of the subsequent hiring.
- Subsequent employment and participation in the retirement system will be made in accordance with the rules and regulations of the retirement plan, as well as all applicable federal and state laws.

C. Reduction in Force (RIF)

The Mayor and/or their designee have the authority to determine if the Town of Stevensville workload, funding or other business decisions are such that terminations (via layoff or reductions-in-force [RIF]) are required. Whenever possible, employees will be provided at least two (2) weeks advance notification before the layoff or RIF. Regular employees will not be terminated if temporary or short-term workers are employed in the same position.

The Town of Stevensville benefit providers, the Montana Municipal Interlocal Authority (MMIA) will work in conjunction with the Human Resource Representative, Clerk and/or their designee to ensure relevant benefits information is forwarded directly to the employee at the last known address.

- Employees must keep the Town of Stevensville informed of the address and telephone number where they can be contacted in the event of a recall.
- If the Town is unable to contact an employee within 30 days of the recall, the employee will be eliminated from the recall list and the Town of Stevensville will have no further obligation to recall that employee.
- The Town of Stevensville will have no obligation to recall the employee if they have been on a continual layoff for a period of one (1) year.

D. Involuntary Termination

Regular, non-probationary employees terminated by the Town of Stevensville will be

provided with a letter summarizing the reasons for their termination and the effective date of the termination.

- The Mayor will generate the letter summarizing the reasons for the termination and the effective date of termination, said letter will be reviewed by the Town Attorney prior to issuance to the employee.
- The terminated employee's final paycheck will be issued within 15 calendar days or the next scheduled pay period, whichever is less.
- Any outstanding amounts owed to Town of Stevensville will be deducted from the employee's final paycheck.

Probationary employees may be discharged for any reason that the Town of Stevensville deems appropriate within the probationary period. Termination of a probationary employee may not be appealed through the formal grievance procedure. Any outstanding amounts owed to the Town of Stevensville will be deducted from the employee's final paycheck. The terminated employee's final paycheck will be issued within 15 calendar days or the next scheduled pay period, whichever is less.

Temporary, Short Term, or seasonal employees may be discharged for any reason that the Town of Stevensville deems appropriate. Termination of temporary, short term or seasonal employee may not be appealed through the formal grievance procedure. Any outstanding amounts owed to the Town of Stevensville will be deducted from the employee's final paycheck. The terminated employee's final paycheck will be issued within 15 calendar days or the next scheduled pay period, whichever is less.

The Town of Stevensville will follow the procedure outlined in the Employee Discipline section to terminate a regular, non-probationary employee. An employee terminated for cause does not retain his/her job or benefits pending any grievance appeal, but if he/she wins the grievance, such salary and benefits may be restored retroactively.

15. Personal Appearance and Demeanor

A. Personal Appearance

Employees are expected to dress appropriately for their position, their daily activities, and their expected public contact. Employees attending business meetings or other related contact should dress accordingly. The Town of Stevensville work environment, though a casual atmosphere, may receive visitors, etc. and all personnel are to be dressed appropriately. Hair and cloths should be neat. Any part of an employee's dress, appearance or hygiene that is deemed unprofessional or that may endanger the employee and/or staff may be prohibited by the Mayor and/or their designee. The Mayor and/or their designee may order an employee to take unpaid time to go home and change if their attire is not considered appropriate.

B. Demeanor

All employees are expected to conduct themselves in a manner that will reflect positively regarding the Town and its personnel. Use of language or gestures that may be considered offensive or harassing towards a Citizen, Elected Official, Supervisor, or employee who may take offense is inappropriate and may result in disciplinary action.

16. Work Schedule and Breaks

A. Work Week/Work Schedule/Over Time

The Town of Stevensville's core business hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. Most employees are expected to adhere to this schedule, however as described herein, alternative schedules may be considered by the Supervisor and the Mayor. (The Police Department is exempt from this paragraph).

The workweek will begin on Saturday at 12:00 a.m. and end on Friday at 11:59 p.m.

Should it be necessary for any employee to work a schedule outside the normal work schedule in support of required work needed by the Town of Stevensville, the employee will be authorized in writing by the responsible supervisor and approved by the Mayor prior to commencing the alternative work schedule. (The Police Department is exempt from this paragraph).

Non-exempt employees working over 40 hours per week will be paid overtime at one and one-half times their hourly wage rate.

If the Mayor, Supervisor and/or their designee and the employee agree, the non-exempt employee can elect to accumulate compensatory time (comp. time) for use as time-off at a future date at a rate of one and one-half times the number of hours worked over the 40-hour work week.

Non-exempt employees must receive authorization to work planned overtime or comp time hours in writing from their supervisor, prior to working the additional hours.

The Mayor may authorize employees to work Overtime/Comp Time via a Blanket Overtime/Comp Authorization. Those employees are required to report their Overtime/Comp Time worked weekly to the Mayor either by special report or via a Time Sheet.

Maximum accruals of compensatory time shall be limited to 60 hours for regular employees. After maximum accrual, overtime compensation shall be paid. Any unused, accrued comp time hours will be paid to non-exempt employees upon termination of the employment relationship.

Unscheduled overtime must at a minimum be authorized verbally by the responsible supervisor, followed by written confirmation of the authorization. The Mayor is to be informed of all unscheduled overtime authorized by the responsible supervisor via an Overtime Authorization Form.

Overtime is based on actual hours worked. Time off for sick leave, annual leave or any leave of absence will not be considered hours worked for the purpose of overtime.

B. Meals and Breaks

Employees may take one 15-minute break when they are scheduled to work four consecutive hours. Break periods are paid but may not exceed 15 minutes per four consecutive hour period.

All employees are authorized to take an un-paid lunch period of at least thirty (30) minutes per day. The length of time for a given lunch period will be agreed upon between the employee and their immediate supervisor and should not interfere with the employee's performance or needs of the organization. The normal lunch period is one hour unless otherwise specified. Exception - The Police Department is authorized to take a 30-minute paid lunch break. Refer to the Police Policy Manual.

An employee may not use a break or meal period to arrive late or depart work early except under occasional, special circumstances, approved by their immediate supervisor.

C. Flexible Working Schedule

Employees may be allowed to work a flexible work schedule, as approved by their supervisor, outside of the core business hours of 8:00 am to 5:00 pm. Flexible work schedules should be developed departmentally to maintain standard business hours for each unit. All flexible arrangements must be cost neutral and contribute to customer service, productivity and employee morale. The decision to allow a flexible schedule is at the sole discretion of the Town of Stevensville and may not be appealed through the Grievance procedure.

Flexible schedules may include variations in daily beginning and ending work time periods, or a compressed work week providing those schedules comply with state and federal wage and hour laws. Employees desiring flexibility (outside the traditional 8:00 am to 5:00 pm work day), should work directly with their immediate supervisor to detail their adjusted work schedule.

The ultimate goal is that the adjusted flexible schedule will still allow for the employee to meet job requirements and the goals of the Town of Stevensville. Supervisors will be a part of the development, approval and enforcement of flexible work arrangements. If the supervisor deems that the flexible work arrangement is not in alignment with the overall organizational goals, they may not approve a flexible schedule, or may revoke the privilege at any time by advising the employee.

- Supervisors shall examine the effect of a flexible schedule for one employee as to the effects on the remaining employees within a department.

Employees must follow the meals and breaks policy regardless of their set schedule. Considerations and accommodations need to be made in flex schedules for conferences,

meetings, travel, leave, holidays, maintenance issues, special projects, etc. Refer to the **Holiday Policy** for flexible schedules of less than 5, 8-hour shifts/week.

D. Call Back

Employees who are called back to work will be paid at their regular rate until they have worked 40 hours in a workweek at which time, they will be paid at their overtime rate

17. Time Sheets and Payday

A. Attendance

Absence is the failure to report to work and to remain at work as scheduled. It includes late arrivals and early departures as well as absence for the entire day. Regular and punctual attendance is an essential function of every position at the Town of Stevensville and required for efficient operations.

If an employee does not know in advance that they will be absent or unavoidably late, they should telephone their immediate supervisor or in the event the supervisor is out of the office, their designee, prior to the start of the employee's shift. The immediate supervisor may grant permission for alternative notifications or have additional requirements in regard to notification. The responsible supervisor will take appropriate steps to ensure notification to employees of the names and telephone numbers of the designated individuals.

Failure to report an absence as described above or if the tardiness/absence is deemed unreasonable, may result in disciplinary action, up to and including termination.

If the employee fails to give such notification, the absence may be charged to leave without pay.

Absence in excess of three (3) consecutive days without receipt of proper notification by the Town of Stevensville from the employee may be considered to have voluntarily terminated employment with the Town of Stevensville, unless the failure to give such notification was due to circumstances beyond the control of the employee.

When an employee fails to report to work, the immediate supervisor, or their designee may attempt to contact the employee via phone. If they fail to answer, the supervisor, or their designee may attempt to contact their emergency contact and/or request a welfare check.

Unreasonable and/or excessive absenteeism may result in disciplinary action, up to and including termination.

B. Timesheets

Time sheets for the pay period are to be completed by all employees and submitted to their

supervisors when they are requested or when payroll needs to be processed.

- Time Sheets should be completed on a daily basis.
- In the event an employee is unavailable to complete and submit his or her timesheet, he or she may complete the time sheet in advance or call the supervisor and relay the information.
- Time sheets must include the employee's name and hours worked on a daily basis, holiday time, sick leave used, annual leave used, leave without pay, etc.
- The employee must sign the time sheets attesting that all time worked, and leave used is reported for the period.
- The employee's supervisor and/or the Mayor and/or their designee will review and sign the time sheets. Electronic signature may occur when appropriate.

C. Payday

Town of Stevensville employees are paid every two weeks. The employee's supervisor or their designee will distribute the paychecks to employees, unless electronic transmission of payroll is utilized. If the employee desires to release their pay to another authorized person, they shall notify the payroll specialist/clerk or their designee in writing.

Salaries and Honorariums for Elected/Appointed Officials are paid on the last working day of the month.

D. Garnishments

It is the policy of the Town of Stevensville to enforce all wage garnishments as may be required by state and federal law.

18. Annual Leave/Vacation

A. Accrual of Leave

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

Regular full-time employees accrue Annual Leave as follows:

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

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

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

Short Term Workers do not accrue annual leave.

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

B. Prior Service Accrual

Employees of the Town of Stevensville who worked for another agency within the State of Montana can, with proper certification, have their years of service applied to their Town of Stevensville accrued leave time. Agency is defined as a State, County, City or Town. Special Rules apply to Montana Educators; see the Human Resource Representative for clarification.

C. Requesting Annual Leave

All requests for leave are required to be submitted via hard copy request or if available, electronic leave requests.

Requests for annual leave of five days or more must be submitted two weeks in advance and pre-approved by the employee’s Supervisor or the Mayor and /or their designee. If you are a department Supervisor requesting annual leave of five days or more, your request must be submitted two weeks in advance and pre-approved by the Mayor and/or their designee. If approved by the department Supervisor, they will notify the Mayor and / or their designee of the dates of the employee’s leave.

Leave requests of four days or less are made with the department supervisor a minimum of two days in advance of the requested time off. If the employee is a department Supervisor, your leave request is made directly to the Mayor and/or their designee. If approved, the department Supervisor will notify the Mayor and/or their designee of the dates of the employee's leave.

The annual leave will be approved after considering the best interest of the Town of Stevensville, the employee's unit, and the employee's request. Employees who need to use annual leave due to extenuating circumstances before they finish the qualifying period may ask their Supervisor, the Mayor and /or their designee to grant paid annual leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period. Should two employees request the same period of vacation, their Supervisor or the Mayor /or their designee has discretion regarding the approval of the leave requests.

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

Employees who are called back to work while they are on vacation will be paid at their regular rate until they have worked 40 hours in a workweek at which time they will be paid at their overtime rate.

19. Sick Leave

A. Accrual of 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 take leave without pay. 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, 2,080 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 separates employment from the Town of Stevensville shall be entitled upon termination to cash compensation payout 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.

- Sick Leave may not be used to supplement Annual Leave.

B. 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 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 Mayor or their designee. The immediate supervisor may grant permission for alternative notifications or have additional requirements in regard to notification. The employer will take appropriate steps to ensure notification to employees of the names and telephone numbers of the designated individuals.

If the employee fails to give such notification, the absence may be charged to leave without pay. Absence in excess of three (3) days without receipt of proper notification by the employer from the employee may constitute just cause for immediate discharge, unless the failure to give such notification was due to circumstances beyond the control of the employee.

C. Use of Leave:

Employees may use sick leave for personal illness or physical incapacity, sickness of immediate family member. Refer to the Bereavement Leave Policy in the event of a death in the immediate family of an employee. 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 members' 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 Town of Stevensville 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 that exceeds five consecutive workdays may be asked to furnish a certification of illness from a qualified doctor upon request of their supervisor or the Mayor and/or their designee.

At the Town of Stevensville'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. Abuse of sick leave may result in disciplinary action up to and including termination.

D. 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. Doing so may result in disciplinary action up to and including termination.

20. Leave Without Pay

A. General Use

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 § 2-18-615 MCA.

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.

B. Leave accrual during LWOP.

Vacation and sick leave accrue on a prorated basis during leave-without-pay. Employees will not be allowed to use sick or annual leave and will not receive holiday pay while on leave-without-pay status.

1. Health insurance will not be paid by the Town of Stevensville during a period of leave without pay that is 5 working days or more.
2. The employee may choose to continue insurance coverage during the leave by paying the Town of Stevensville the premiums on a monthly basis.
3. If the employee fails to continue the insurance coverage, the insurance may be canceled. Should it be canceled, the employee may be subject to policy restrictions, upon returning to work.

Providing false or misleading information or reasons to justify leave-without-pay may result in disciplinary action up to and including termination.

LWOP is at the sole discretion of the Town of Stevensville and is not subject to the Grievance procedure.

LWOP in excess of two (2) consecutive weeks may be granted for any cause as determined by the immediate supervisor, the 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 LWOP for a specified time generally not to exceed one hundred eighty (180) calendar days during their employment period.

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 LWOP, employees must provide their supervisor, or their designee the beginning and ending dates of the leave and the reason for the requested leave.

21. Holidays

A. Schedule

The Town of Stevensville will observe the same holidays as recognized by the State of Montana.

- January 1 - New Year's Day
- 3rd Monday in January - Martin Luther King Day
- 3rd Monday in February – President's Day
- Last Monday in May - Memorial Day
- July 4 - Independence Day
- 1st Monday in September - Labor Day
- 2nd Monday in October - Columbus Day

- 1st Tuesday in November during Congressional/Gubernatorial Election Years - State General Election Day
- November 11 – Veterans’ Day
- 4th Thursday in November - Thanksgiving Day
- Friday Following Thanksgiving-employee option to take as a vacation day with approval. Town Hall may only be closed as authorized by the Town Council
- December 25 - Christmas Day

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

B. Eligibility

To be eligible for holiday benefits an employee must be in a paid status on the workday prior to and after the holiday.

C. Accrual

Regular and Temporary Full-Time employees earn eight hours per Holiday. Regular part-time and seasonal employees will earn pro-rata holiday based on the employee’s regular schedule at the time the holiday occurs. Short Term Workers do not earn Holiday pay.

D. Use of Leave

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

E. 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.

22. 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 Town of Stevensville 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 to present the issued check for all jury or witness fees to the Clerk/Human Resource Representative. Reimbursement for mileage and actual expense fees are not required to be forfeited to Town of Stevensville. The employee may keep any witness fees or court payment if the services are performed on the days of his/her regularly scheduled days off.

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.

23. 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. Reference § 39-2-104 MCA. 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 Town of Stevensville will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

24. Military Leave

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

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

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

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

25. Bereavement Leave

In case of a death in the immediate family, an employee will be granted three days of Bereavement Leave that will not be charged to the employee's accumulated sick leave or annual leave. If additional time is required, an employee may be allowed additional days for bereavement purposes via the use of sick leave or annual leave, with prior supervisor's approval. (See definitions for immediate family)

In case of a death of a family member, outside the immediate family, or another person with prior supervisor's approval, an employee will be granted one day of Bereavement Leave that will not be charged to an employee's sick leave or annual leave. If additional time is required, an employee may be allowed additional days for bereavement purposes via the use of annual leave.

26. Maternity Leave

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

The Town of Stevensville will grant the employee a reasonable leave of absence for pregnancy but will not require an employee take a mandatory maternity leave for an unreasonable length of time.

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

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

27. Parental Leave

The Town of Stevensville will provide Paid Parental Leave (PPL) to eligible employees for parents to bond and care for a newborn child or a child placed for adoption. Eligible employees are regular or probationary status employees employed at least 180 consecutive calendar days. In the event both parents, including established domestic partners, are employed by the same department, both may take PPL at the same time.

Eligible employees are entitled to a maximum of 6 continuous work weeks of PPL in a calendar year. No employee may be absent on PPL for more than 6 calendar weeks in a calendar year, regardless of work schedule. For employees working part time with regular, irregular, or intermittent schedules, paid hours of PPL during the six-week period will be based on the average hours worked in the six weeks immediately prior to the date PPL is to commence. There is no limit on how many times an eligible employee may use PPL during the course of their employment.

Requests to use PPL should be submitted in writing to the employee's supervisor and Human Resources Department with as much notice as possible. HR and the supervisor will work together to coordinate the use of PPL with other approved leave requests. PPL must be taken continuously commencing with the birth or placement of a child for adoption. PPL will count concurrently against Family and Medical Leave for employees eligible. PPL must be exhausted before use of other paid leave or leave without pay. When a holiday falls during an employee's PPL the employee will be paid for the legal holiday instead of PPL.

28. Family Medical Leave

It is the policy of the Town of Stevensville to offer limited Family Medical Leave benefits to its employees as described below.

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

Family Medical Leave can be taken for the following reasons:

- The birth or placement of a child for adoption or foster care,
- The serious health condition of a spouse, child or parent, or
- An employee's own serious health condition

Employees are required provide at least a 30-day notification of intent to use Family Medical Leave whenever possible.

Employees will be required to use their paid vacation, comp time and/or sick leave for any part of the 12-week period. The remaining portion of the leave will be unpaid leave. (An

employee cannot be required to exhaust annual leave balances for reasons of illness unless the employee agrees per § 2-18-615 MCA.)

Employees will only be provided a total of 12 weeks in a rolling 12-month period looking back from the first day of the leave request. (For example: If an employee took 12 weeks leave beginning July 1, 2012 and requested to take 12 weeks leave beginning May 1, 2013, the request would be denied because the employee used 12 weeks looking back from May 1, 2012 through April 30, 2013.)

Upon request of your Supervisor and/or the Mayor/Human Resource Representative, employees must provide certification explaining the serious health condition or the family member's condition. It should detail:

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

These reports are confidential and will remain in the employee's medical personnel file.

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

Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid 10% of the work force and their absence must mean a substantial economic loss to the organization. If a person designated as "key" still takes family leave, the Town of Stevensville will pay the health care premiums, but no guarantees are made about returning them to the positions they left.

An employee who fails to return to work on his or her regularly scheduled work day after the pre-approved leave without pay period will be considered to have voluntarily resigned unless the leave period is extended, in advance, by the Mayor. Providing false or misleading information or reasons to justify a Family Medical Leave absence may result in discipline, up to and including termination. Family Medical Leave provisions indicate that at the Town of Stevensville discretion, health care premiums may be recovered from employees who do not return to work.

29. Breast Feeding in the Workplace

Women returning from maternity leave who wish to continue breastfeeding or expression of milk for their child(ren) will be provided a private space (other than a toilet stall) with suitable lighting and electricity if necessary, for pumping apparatus.

- The selection of the space will be made on a case-by-case basis in consultation with the employee.
- Standard break times will be primarily utilized with additional unpaid break time(s) provided as mutually agreed upon.
- Additionally, the Town of Stevensville 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.

30. Performance Management and Evaluations

Regular employee performance evaluations are provided to non-probationary employees. The evaluations report progress and allow correction of any deficiencies, recognize employee strengths and special abilities as well as provide an opportunity to discuss areas that need improvement. Annual appraisals and evaluations should provide an ongoing performance record. This may be used as a supportive documentation for personnel actions such as promotions or demotions. They also provide employees an opportunity to discuss personal goals, Town of Stevensville goals and means for improvement. Annual evaluations provide an opportune time to formulate or update the employees' job descriptions.

Probationary employees will receive informal feedback throughout their probationary period. The supervisor or the Mayor and/or their designee may at their discretion formally evaluate the probationary employee at the end of the probationary period at which time the employee will be advised of his or her status (regular or terminated.)

The employee's immediate supervisor or the Mayor and/or their designee will complete the evaluation using their job description, and the Town of Stevensville personnel policy manual as the appraisal basis. The employee is encouraged to complete a preliminary self-appraisal to prepare for the evaluation meeting. The employee and the evaluator shall schedule a conference to discuss the employee's job performance and the job description. The conference will provide the opportunity for the employee to work with their supervisor or the Mayor and/or their designee to develop the employee's understanding of the position, annual goals, training needs, budget restraints/needs and improvement plan. If the employee, their supervisor or the Mayor and/or their designee do not agree on an evaluation result, the employee may respond in writing within 10 working days and attach the statement to the performance evaluation form.

The employee, their supervisor or the Mayor and/or their designee will sign and date the evaluation form. If the employee refuses to sign the evaluation form, documentation of their

refusal will be added to their evaluation. The employee's signature will indicate that the employee has reviewed the evaluation with their supervisor or the Mayor and/or their designee and understands the comments contained within the evaluation.

Annual performance evaluations form the basis for an employee's merit increase.

31. Discipline

The Town of Stevensville, at its discretion, may investigate and take disciplinary action upon learning of a suspected violation of federal, state or local laws, the Town of Stevensville rules and/or regulations, employee conduct/behavior/performance standards, the Town of Stevensville policies, or other conduct not in the best interests of the Town of Stevensville. The supervisor and/or the Mayor or their designee will notify the employee of the suspected violation and will then perform an investigation. Employees may be placed on administrative leave (with or without pay) pending investigation. All employees shall be briefed on Garrity Rights when necessary.

- The employee will be notified in writing of the suspected violation or misconduct, will be included in the investigative process and allowed to share their account of the suspected violation or misconduct in question before discipline is issued.
- At the sole discretion of the Town of Stevensville the supervisor, the Human Resource Representative, the Mayor and/or their designee will conduct the investigation including employee interviews.
- The employee being interviewed may request an attendee of their choosing be present at the interview; however, such attendee will be permitted to observe only and will not be permitted to participate in the interview.
- Upon conclusion of the investigation, the Town of Stevensville will decide whether discipline is appropriate and if so, at what level. All affected parties will be advised, at an appropriate level, of the investigation results.
- Discipline, as determined by the Town of Stevensville, may be imposed in one of the following forms. This is not a progressive discipline policy.

A. Oral Reprimand

The supervisor and/or Mayor /HR Representative will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations.

- This conversation will be summarized in writing.
- The employee and the supervisor will sign the summary which attests that the

meeting took place, that the employee understood the problem and the corrective action required.

- The summary will be placed in the employee's personnel file.

B. Written Reprimand

The supervisor and/or Mayor/ HR Representative will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations.

- The summary of the issue(s) and the corrective action required will be presented in a letter to the employee.
- The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required.
- The summary will be placed in the employee's personnel file.

C. Suspension (with or without pay)

The supervisor and/or Mayor/HR Representative will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations.

- The summary of the issue(s), the corrective action required, and the dates and conditions of the suspension will be presented in a letter to the employee.
- The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required.
- The summary will be placed in the employee's personnel file.

D. Demotion - Loss of Duty

The supervisor and/or Mayor/HR Representative will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations.

- The summary of the issue(s), the corrective action required, and the specific conditions of the demotion will be presented in a letter to the employee.
- The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required.
- The summary will be placed in the employee's personnel file.

E. Termination

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

Police Officers have a statutory right to appeal any action taken against them by taking the matter before the Police Commission.

32. Grievance

The Town of Stevensville is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, or question receives a timely response. The Town strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect and are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practice, they may express their concern through a grievance process. No employee shall be penalized, formally or informally, for voicing a complaint in a reasonable, professional manner using the grievance process. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate supervisor.

A. Scope

The grievance procedure provides an avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this manual. Grounds for submission of a grievance include:

1. Unfair application, interpretation, or violation of Town or Department regulations; or
2. Acts of retaliation as a result of utilization of the grievance process.

B. Statement of Grievance

At each step in the process, the written grievance must include the following:

1. A statement of the grievance and the facts upon which it is based;
2. A description of the specific wrongful act and harm done to the grieving employee; and
3. A statement of the remedy or adjustment sought.

C. Informal Grievance Procedure

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

D. Formal Grievance Procedure

1. Step One – Department Head

If the grievance is not resolved informally, the employee may resolve the grievance, in writing, to the employee's department head within ten (10) days of the date on which the employee discussed the grievance with the immediate supervisor. The department head shall have ten (10) working days from the date of receipt to respond to the grievance in writing.

If the grievance is against the department head, it should be filed with the Town's Human Resource Representative (Step 2).

2. Step Two – Human Resources

If the department head's response does not resolve the grievance, the employee may appeal in writing to the Town's Human Resource Representative, within ten (10) working days of receiving the department head's written response. The Town's Human Resource Representative shall have ten (10) working days from the date of receipt to respond to the grievance in writing.

3. Step Three – Mayor

If the Human Resource Representative's response does not resolve the grievance, the employee may appeal in writing to the Mayor, within ten (10) working days of receiving the Human Resource Representative's written response. The Mayor shall have twenty (20) working days from the date of receipt to respond to the grievance in writing. The Mayor's response constitutes the final step in the grievance procedure, and the grievance shall be considered as settled based on the Mayor's response.

If an employee wishes to file a grievance against the Mayor, it should be filed with the Town's Human Resource Representative (Step 2).

E. Alternative Dispute Resolution

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

33. Telephone Use

A. General Use

While at work, employees are expected to exercise the same discretion in using personal cell phones as they use with company phones. Excessive personal calls/texts during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees should restrict personal calls during work time and use phones only during scheduled breaks or lunch periods. Employees should be courteous of co-workers and others in the work area when holding personal phone calls at work.

B. Town of Stevensville Issued Cell Phone Use

The Town of Stevensville may determine to issue individual cellular phones to employees.

It is the Town of Stevensville policy that employees who are issued or use a company cell phone understand the phones are issued for business use. Employees are expected to make every effort to not exceed the current contracted allowed minutes and/or data usage.

Cell phone bills are reviewed regularly. Any excess data use may be subject to additional review and could lead to disciplinary action up to and including termination if determined to be non-work related.

34. Computer Use

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

New employees will be given a period of instruction on the Town of Stevensville's computer equipment by the Department Supervisor or designee as part of their new employee orientation. Upon completion of the period of instruction, a statement signed by the employee and their supervisor will be entered in the employee's personnel file. If the employee refuses

to sign the statement, a written statement documenting their refusal will be added to their personnel file.

A. Email

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

No employee may access another employee's email, supervisor's email, Town Officer's email or Elected Official's email without proper authorization.

Refer to the Electronic Communication Policy (Res. 439) for guidance to employees, elected and appointed officials and business associates who are provided with access to the Town's E-Communication systems.

B. Security

The Town of Stevensville owns the contents of all files stored on its systems, all messages transmitted over its systems, and reserves the right to access them when necessary. All records retrieval shall be in accordance with applicable policies.

The Town of Stevensville expressly reserves the right to monitor use of the Internet by employees.

35. Travel for Work

Town of Stevensville employees may be required to travel. When working away from the worksite, employees are required to periodically check in with the Town of Stevensville to provide status reports and to check for messages.

Occasionally it may be necessary to get in touch with traveling employees. It is important for the employee to leave an itinerary with appropriate Town of Stevensville staff, in the event the employee needs to be contacted. The employee should inform their supervisor of their route and travel plans so other Town of Stevensville staff can assist in their safe arrival.

Travel Requests

- All Travel Requests will be submitted using the Travel Request form available from the Finance Officer.

A. Travel and Expense Reimbursement

All employees shall have their travel pre-approved by their supervisor, Mayor and/or their designee. All employees traveling on Town of Stevensville business are required to provide verification of driver's license with appropriate endorsements for the types of equipment operated.

Employees completing Town of Stevensville business may be compensated for travel expenses, meals (via per diem), mileage and/or incidental expenses at a rate established by the Town of Stevensville. Receipts must be included for lodging, travel, and appropriate ancillaries.

Town of Stevensville per diem rate will not exceed \$32.00 per day. If meals are included in tuition or registration fees, reimbursement will be reduced by (1) \$8.00 for the morning meal, (2) \$9.00 for the midday meal and/or (3) \$15.00 for the evening meal. Likewise, if free continental breakfast is provided by the hotel where you are staying, your per diem allowance will be reduced by \$8.00. Out of state travel will be reimbursed based on the General Services Administration rates for the specific travel area.

Employees may request an expense advance as approved by the supervisor to offset undue financial hardship on employees traveling for Town of Stevensville business.

The advance must be justified with reasonable requests for:

- Meals
- Lodging
- Fuel costs
- Public transportation

Pre-approved registration fees and lodging expenses can be paid directly to the training agency or hotel in advance or reimbursed to the employee upon return.

The employee must provide an itemized expense report with attached receipts documenting the expenditures of the trip.

- If the travel advance exceeds the receipts documenting expenditures, the employee must reimburse the Town of Stevensville the difference.
- Any legitimate balance owed to the employee for receipts exceeding the travel advance will be promptly reimbursed by the Town of Stevensville.
- Willful misrepresentation of expenses or receipts is unlawful and may result in disciplinary action up to and including termination.

B. Personal Vehicle Use

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

Proof of Driver's License and Liability insurance coverage shall be placed on file with the Human Resource Representative and shall be updated annually.

C. General Use of Town of Stevensville Vehicles

All employees using a Town of Stevensville vehicle for work or travel are required to provide verification of driver's license with appropriate endorsements for the type of equipment operated.

Proof of Driver's License shall be placed on file with the Human Resource Representative and shall be updated annually.

Employees may be able to use a Town of Stevensville vehicle when traveling. An unsafe vehicle in need of repair must be reported to a Supervisor and/or the Mayor and/or their designee immediately. (See the Use of Town of Stevensville Vehicle/Vehicle Accident section below).

If a Town of Stevensville vehicle is not available, employees may use their own vehicle and receive a mileage reimbursement.

- Employees must request to use their own vehicles in order to be reimbursed for mileage. Email authorization is satisfactory, but permission must be granted in advance.
- When employees use their own vehicles for Town of Stevensville business, they are required to provide proof of liability insurance coverage.
- Proof of liability insurance must be on file with the HR Representative.

D. Vehicle Accidents

When an employee is involved in a motor vehicle accident with a Town of Stevensville vehicle, the employee must notify the Supervisor, Mayor and /or their designee immediately. The employee should detail, in writing, the accident and situations leading up to the accident. Law enforcement should be contacted to complete an investigation of the accident. Employees must cooperate with, and are permitted to, discuss the incident with the Mayor and /or their designee, insurance adjusters and law enforcement.

Upon returning to the Town of Stevensville office, an account of the accident should be provided in writing to the Supervisor or Mayor /or their designee. The employee may also be asked to assist with completing the necessary forms for insurance claims. The Supervisor or Mayor and /or their designee shall conduct an investigation of the facts and situations of the accident to determine if disciplinary measures are warranted. Accidents where the Town of

Stevensville employee was driving or operating machinery under the influence of alcohol or illegal drugs (which is absolutely prohibited) may result in discipline.

E. Compensating non-exempt employees for travel time

Time spent traveling throughout the State of Montana is always a time-consuming endeavor. It is important for all Town of Stevensville non-exempt employees to understand how they are compensated for travel time. Different situations may determine if the travel time is work time or not. The following variations are described in the administrative rules of Montana (24.16.1010, ARM) promulgated by the Montana Department of Labor:

1. Home to work

Ordinary Situation - Normal travel from home to work is not work time. This is true whether an employee works at a fixed location or at different job sites.

2. Home to work

Emergency Situation - Travel to the job and back home by an employee who receives an emergency call outside of their regular hours to report back to their regular place of business to do a job is classified as work time.

3. Home to Work in Another City

Special One-day Assignment - All time spent traveling to another city/town would be considered work time except for the travel from home to public transportation, such as a bus depot. This would be the normal home to work travel. The usual mealtime would be non- compensated also.

F. Travel all in the day's work

Time spent by an employee in travel as part of their principle activity, such as travel from job site to job site to job site during the workday, must be counted as hours worked. If the employee goes home instead of returning to the employer's premises from the last job site, this travel is home-to-work travel and is not time worked. If an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and carry tools, the travel time from the designated place to the workplace must be counted as hours worked.

G. Travel Away from Home Community

Travel that keeps an employee away from home overnight is travel away from home and is clearly work time when it cuts across the employee's workday (employee is simply substituting travel for other duties). This time is not only hours worked on regular working days during normal working hours, but also during the corresponding hours on nonworking days. For example, if an employee normally works 8AM to 5PM Monday through Friday, the travel time during these hours on Saturday and Sunday is also counted as work time. If

the employee requests to drive their car in place of public transportation that has been offered, this travel time is counted as hours worked only to the extent of time it would have taken to travel if the employee had been using public transportation.

H. Work Performed While Traveling

Any work which an employee is required to perform while traveling must be counted as work time. Sleep in adequately furnished facilities would not be counted as hours worked.

36. Assignment and Use of Town Vehicles

The Town of Stevensville shall designate the positions that require the use of Town of Stevensville vehicles on a take-home basis. All Town of Stevensville vehicles are to be primarily used for Town of Stevensville business-related purposes and, if possible, are to be available and shared among all employees when needed for business-related travel.

Employees using a Town of Stevensville vehicle will be required to keep a mileage and maintenance log.

Employees using a Town of Stevensville vehicle must observe and obey traffic regulations and exhibit extreme care of the vehicle. Employees and other authorized passengers are required to wear seat belts at all times. Vehicles shall be parked in an authorized, or unrestricted, space. When the vehicle is left unattended, the employee must secure the vehicle by rolling up all windows and locking all of the doors. The Police Department is exempt from this section due to the nature of the job

- Employees are prohibited from smoking in the Town of Stevensville vehicles.
- Employees are required to ensure vehicles are returned fully fueled and clean when returned.
- Employees should report unsafe vehicle conditions or conditions in need of repair to the supervisor or Mayor and/or their designee immediately.

A. Vehicle Accidents

When an employee is involved in a motor vehicle accident with an Town of Stevensville vehicle, the employee must notify the supervisor or Mayor and/or their designee immediately. All employees shall be briefed on Garrity Rights when necessary

- The employee should detail, in writing, the accident and situations leading up to the accident. Law enforcement should be contacted to complete an investigation of the accident.
- Employees must cooperate with, and are permitted to, discuss the incident with Emergency Services Personnel, the Mayor and/or their designee, insurance adjusters

and law enforcement.

- Upon returning to the Town of Stevensville office, an account of the accident should be provided in writing to the supervisor or Mayor and/or their designee.
- The employee may also be asked to assist with completing the necessary forms for insurance claims.
- The supervisor or Mayor and/or their designee shall conduct an investigation of the facts and situations of the accident to determine if disciplinary measures up to and including termination are warranted.
- Accidents where the Town of Stevensville employee was driving or operating machinery under the influence of alcohol or illegal drugs (which is absolutely prohibited) may result in discipline.
- Employees choosing to use their personal vehicle while on Town business understands that, should they be involved in an accident, their personal auto insurance would be the primary insurer making the Town's insurer the secondary insurer.

37. Education and Training

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

Employees should consider training needs during annual evaluations, particularly if the training requires extensive time away from work, is of significant cost, and/or requires out-of-state travel. The Mayor and/or their designee may evaluate such training courses to ensure maximum value of the course. Additionally, the training may be delayed until future fiscal years to include the expense within the budget.

38. Participation in Community Organizations

The Town of Stevensville views personal development through service involvement as beneficial to the employee as well as positive exposure for the Town of Stevensville.

Employees should consult with their supervisor, the Mayor and/or their designee before volunteering for such organization if work time may be required to attend activities, fundraisers, meetings, etc. Employees that have received pre-authorization from their

supervisor, the Mayor and/or their designee may attend such functions as excused, paid absence without using Annual Leave. The employee's supervisor, the Mayor and/or their designee will monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the Town of Stevensville.

39. Participation in Professional Organizations

The Town of Stevensville views personal development through professional organizations as essential to keep abreast of changing laws, rules, and legal opinions as well as maintaining a network of professional colleagues which are beneficial for research, feedback and productive information. Professional contacts are also beneficial for the growth and image of the Town of Stevensville.

Employees are encouraged to pursue professional organization affiliations that represent a positive effect in the community, organization or community. Employees should consult with the Mayor and/or their designee before joining such organization if work time may be required to attend activities, training, meetings, etc. Employees that have received pre- authorization from their supervisor, the Mayor and/or their designee may attend such functions as excused, paid absence without using Annual Leave. The employee's supervisor, the Mayor and/or their designee will monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the Town of Stevensville.

40. Licensing Fees

The Town of Stevensville recognizes employees that associate with various organizations or maintain certifications or licenses are beneficial to the Town of Stevensville. If the Town of Stevensville has requested that an employee obtain a license, the Town of Stevensville will pay for the licensing fees and/or annual renewal fees.

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

41. Employee Benefits

Regular employees may participate in the Town of Stevensville's benefit plan. The Town of Stevensville 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 Town of Stevensville 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 (Available from the Clerk/Human Resource Representative).

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.

42. Retirement

The Town of Stevensville participates in the Montana Public Employees Retirement System (PERS). Employees working more than 960 hours per year are required to participate in PERS.

Employees working less than 960 hours per year have the option of participating in PERS.

New employees have 12 months to choose which retirement option is right for you:

- The Defined Benefit Retirement Plan (DBRP)
- The Defined Contribution Retirement Plan (DCRP).
- Information on both options is available online at www.mpera.mt.gov.

The Town of Stevensville will comply with employer and employee contribution rates as set by the Montana State Legislature.

Please read your PERS Handbook for details regarding your Retirement Procedures and Benefits.

43. Sales Calls and Fundraising Efforts

Sales calls from professional salespeople are allowed to take place only at the discretion of the Mayor and/or their designee, so long as it is done in a consistent and fair manner.

Employees requesting charitable contributions or selling products may visit with fellow employees before or after work, during lunch hour or breaks. Employees may also choose to circulate a catalog among co-workers to preview at their convenience. Employees should not be made to feel obligated to participate.

44. Professionalism Policy

This Professionalism Policy is applicable to all Employees of the Town of Stevensville.

A. Code of Ethics

- 1) The Town requires ethical conduct in any and all activities that impact the wellbeing of our Town, which the Employees represent.

- 2) Employees hold important roles in local government. They are positioned to ensure that the Town's interests are balanced, protected and preserved. This Code provides principals that Employees must adhere to and advocate. This Code is designed to deter wrongdoing and to promote:
 - Honest and ethical conduct including the ethical handling of actual or apparent conflicts of interest between personal and professional relationships;
 - Full, fair, accurate, timely and understandable disclosures in reports and documents;
 - Compliance with applicable governmental laws, rules and regulations;
 - The prompt internal reporting of complaints to their Supervisor; and
 - Accountability for adherence to this Code.

- 3) Employees will:
 - At all times interact with all elected officials, town officers, department heads and/or supervisors without being insubordinate.
 - Act at all times with honesty and integrity, avoiding actual or apparent conflicts of interest in personal and professional relationships.
 - Discuss with their Supervisors, in advance, any transaction that reasonably could be expected to give rise to a conflict of interest.
 - Comply with the Town's Personnel Policy Manual.
 - Act in good faith with due care and diligence and without knowingly misrepresenting material facts.
 - Protect and respect the confidentiality of information acquired in the course of their work except when authorized or legally obligated to disclose. Confidential information acquired in the course of their work will not be used for personal advantage.
 - Be recognized as a responsible colleague among fellow employees.
 - Responsibly use time and resources employed or entrusted to their supervision.
 - Promote and be an example of ethical behavior as a responsible Employee or Supervisor in the work environment and the community.
 - Promptly report to their Supervisor any conduct that the individual believes to be a violation of the law, the Town of Stevensville **Professionalism Policy**, or the Town of Stevensville **Personnel Policy Manual**, including the circumstance or relationship that reasonably could be expected to give rise to such conflict;

- 4) It is against the Town's policy to retaliate against any employee for good faith reporting of violations of this Code.

B. Conflict of Interest

- 1) The underlying principle of “conflict of interest” is that Employees should avoid any activity, investment or interest that might reflect unfavorably on the reputation of the Town of Stevensville.
- 2) As representatives of the Town of Stevensville, Employees are obligated to place the interest of the Town, in any transaction involving the Town, ahead of any personal interest or personal gain, and to disclose all facts in any situation where a potential conflict of interest may arise.
- 3) Employees may not engage in a transaction, use public or confidential information, improperly influence a decision or transaction, or take any other action in regard to their position as an Employee of the Town of Stevensville that would create a personal economic or other benefit to the Employee.
- 4) Employees are expected to seek clarification of and discuss any questions about potential conflict of interest with their Supervisor and the Mayor.

C. Confidentiality

- 1) Employees are expected to protect and maintain confidentiality regarding the Town’s property including cash, equipment, records, and employee and/or customer information.
- 2) Employees shall not disclose or use confidential information acquired in the course of official duties.

D. Violations

Violations of the Professionalism Policy, including failure to report potential violations by others will be viewed as a severe disciplinary matter that may result in personnel action including termination of employment.

E. Employee Participation at Council Meetings

Employees who are required to attend and participate during a Council Meeting, Special Council Meeting, Public Hearing or who sit on a Town Board are expected to comply with Council Rules or Board Rules.

During Council Meetings, Special Council Meetings, Public Hearings, Board meetings, all employees are expected to either turn their cell phones off or silence their ringers. If it is necessary to be available on standby, notify the Mayor or Board Chairperson.

F. Code of Conduct

All Employees and Elected/Appointed Officials are expected to adhere to the behavior and conduct guidelines found in the adopted Code of Conduct for Elected and Appointed Officials and Citizen Interaction (Res. 444).



Stevensville Town Council Meeting

Agenda Item Request

To Be Submitted BEFORE Noon on the Wednesday before the Council Meeting

Agenda Item Type:	Unfinished Business
Person Submitting the Agenda Item:	Brandon E. Dewey
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/30/2020
Agenda Topic:	Resolution 387C, A Resolution Amending the Town Council Rules
Backup Documents Attached?	Yes
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	01/30/2020
Notes:	

Resolution No. 387C

A RESOLUTION AMENDING TOWN COUNCIL RULES FOR THE TOWN OF STEVENSVILLE

WHEREAS, on March 24, 2016 the Town Council revised and adopted Council Rules by Resolution No. 387;

WHEREAS, on March 23, 2017 the Town Council amended Council Rules by Resolution No. 387A;

WHEREAS, on September 24, 2018 the Town Council amended Council Rules by Resolution No. 387A;

WHEREAS, the Town Council has determined a need to revise the Council Rules as indicated at the Town Council meeting on January 9, 2020;

WHEREAS, changes were necessary clarify when the agenda and Council packet are to be made available prior to the meeting;

WHEREAS, changes to the agenda format will allow for the implementation of a consent agenda item, grouping routine agenda items into a single item to be approved in one action;

WHEREAS, changes to the agenda format will allow for the implementation of public hearings during a regular meeting;

WHEREAS, changes to the rules allow for the review of agenda item submissions by the Town's Attorney prior to placement on and agenda;

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Stevensville, hereby amends the Council Rules as revised, as attached in Exhibit A.

PASSED AND ADOPTED by the Town of Stevensville, Montana this 24 day of September, 2018.

APPROVED:

ATTEST:

Brandon E. Dewey, Mayor

Monica Hoffman, Town Clerk

PART I. General Provisions

Section 1.

These rules are supplementary to the provisions of Title 7, Chapter 1, Part 41, Montana Code Annotated (hereinafter MCA), Title 7, Chapter 5, Parts 41 and 42, MCA and Title 2, Chapters 2 and 3, MCA and Chapter 2 of the Stevensville Municipal Code (hereinafter SMC), as they relate to procedures for conducting meetings and public hearings before the Town Council of the Town of Stevensville.

Section 2.

To assure effective participation by all members of the Council and to protect the right of participation by all individuals appearing before the Council, all Council meetings and hearings shall be conducted in general conformance with "Robert's Rules of Order Revised Newly Revised, 11th Edition", except as otherwise provided by law.

Section 3.

A majority of those present and voting may suspend any of these rules or Roberts Rules.

Section 4.

Amendments to the Stevensville Town Council Rules for the Conduct of Council Meetings and Business shall require an affirmative vote of three fourths of Town Council members.

Section 5.

When a Council Meeting is in session, all communication concerning public matters between council, staff, and the public shall be openly performed and subject to public inspection and record keeping.

PART II. Duties of the Presiding Officer

Section 1.

The presiding officer of the Council shall be the Mayor who shall arrange the meeting agenda in accordance with Part IV, coordinate the affairs of the Council, and preside at all meetings of the Council.

Section 2.

In the absence or disability of the Mayor, the President of the Council shall serve as its presiding officer and may vote as other members of the council. In the absence of the Mayor and of the President of the Council, the Council shall select one of its number to serve as its temporary presiding officer.

Section 3.

The Town Clerk shall record and maintain the minutes of the Council's proceedings, showing the vote of each member upon every question, or if failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize briefly and accurately the substance of all matters proposed, discussed or decided; shall record the names and addresses of all persons appearing before the Council; shall, subject to the direction of the Council and presiding officer, conduct the correspondence of the Council; shall file said minutes and records in the office of the Council, which minutes and records shall be a public record; and shall be the custodian of the files and records of the Council.

Section 4.

The Presiding Officer shall interpret and apply the rules. If the Presiding Officer's ruling is challenged by a majority of those Council members present and voting, the current meeting shall recess, and the Council shall take up the question and issue a parliamentary ruling.

PART III. Meetings

Section 1.

Regular meetings of the Council shall be held on the second and fourth Monday of each month at 7 PM in the Council Chambers of Town Hall, or at such other time and place as designated by the Council.

If the regular meeting day is on a recognized holiday the Council shall, with proper notice, set an alternate day for the meeting.

In January of each year, the Council shall, after having established a schedule of the time, date and place of regular meetings for the year, cause a notice of the same to be published in the *Bitterroot Star*.

The notice and agenda of all regular meetings of the council shall be posted by the Town Clerk on the Town Hall bulletin board located at 206 Buck Street, Stevensville, Montana, no later than 5:00 p.m. on the ~~Wednesday~~ Thursday prior to the regularly scheduled Council meeting. Additionally, the Clerk shall provide copies of the notice, agenda, and supporting documents to each of the Council members, be made available to the Bitterroot Star, and posted on the Town Hall "notice board" and the Town of Stevensville website.

Section 2.

Special meetings of the Council may be called in accordance with Sections 7-5-4102(1) (c) and 7-5-4122, MCA.

Section 3.

To ensure public participation all meetings of the Council shall be open to the public except as provided in Section 2-3-203, MCA.

Section 4.

A majority of the members of the council constitute a quorum for the transaction of business, but a less number may meet and adjourn to any time stated and may compel the attendance of absent members, under such rules and penalties as the council may prescribe MCA §7-5-4121. The affirmative vote of a majority of the members physically present at a lawful meeting of the Council shall be necessary to adopt or reject any motion, resolution, or ordinance or pass any measure unless a greater number is required by law.

PART IV. Agenda

Section 1.

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council, shall be submitted by 12 o'clock noon on the Wednesday immediately preceding the ~~next regularly scheduled Council meeting~~Thursday agenda publishing deadline to the Town Clerk.

- A late submission deemed necessary by the Mayor shall be delivered to the Town Clerk with a list of matters according to the order of business.
- Copies of the submissions and list shall be provided to each member of the Council no later than 5 p.m. on the Thursday preceding the Council meeting.

All Agenda Items to be considered by the Council shall be submitted via a “Request for an item to be added to the Council Agenda.” See Exhibit B-forms available from the Town Clerk or on the Town’s website.

- The Mayor, with the assistance of the Town Clerk, shall prepare all council agendas.
- In addition to the Mayor, any one Council member may submit an item of business for consideration by the council.
- Any member of the public may submit an item for consideration by the Council.
- The Mayor must approve all agenda items before they are added to the agenda.
- Any two Council members may override the Mayor’s objection to adding of any agenda item by jointly requesting that the item be placed on the agenda.
- The Mayor may elect to revise the agenda by adding an item for consideration, provided the revised agenda shall be posted and distributed no less than 48 hours before the meeting.
- The Mayor may delay the addition of any agenda item submission to the agenda in order for the submission to be reviewed by the Town’s attorney in a timely manner.

PART V. Order of Business

Section 1.

The presiding officer shall prepare the Council agenda, which shall be in substantially the following form and order of business:

1. Call to order and Roll Call
2. Pledge of Allegiance
3. Public Comment (Public comment from citizens on items that are not on the agenda)
4. Consent Agenda
5. Administrative Reports
6. Guests
7. Correspondence
8. Public Hearings
9. Unfinished Business
10. New Business
11. Executive Report
12. Town Council Comments
13. Board Reports
14. Adjournment

Council members may, by voting to “Suspend the Council Rules,” consider and act upon routine and/or administrative items not on the agenda.

Unscheduled Matters: An item that is not listed on the agenda for the current meeting may be addressed during the Council comments section of the Agenda. As a general rule, no matter of significant interest to the public shall be decided by the Council without prior notice to the public as a scheduled Council agenda item.

Section 2.

The order of business may be adjusted by consent of the Council by Suspension of the Council Rules by a majority of the Council Members Present.

PART VI. Rules of Council Debate

Section 1. Debate

Council debate shall proceed in accordance with the following rules:

1. Every member desiring to speak shall address the presiding officer and, upon recognition, shall confine himself/herself to the question under debate, avoiding abusive and indecorous language.
2. A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking is called to order, he/she shall cease speaking until the question of order is determined, and, if in order, he/she shall be permitted to proceed.
3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.

Section 2. Motion to Reconsider

A motion to reconsider any action may be made at any time before or during the second regular meeting after such action is taken. Such a motion may be made only if it has been regularly placed on the agenda by a Council Member who voted with the prevailing side in the original vote on the item. Approval of a motion to reconsider requires two-thirds of those members present and voting.

Section 3. Potential Conflicts of Ethics or Interests

Any member of the Council who has an interest in a matter before the Council as defined by the laws of the State of Montana (Title 2, Chapter 2, MCA) or as advised by the Town Attorney shall not participate in the debate, nor vote in the matter, nor seek to influence the vote of members of the Council. Any Council member attempting to so participate may be censored by a majority vote of the remaining members of the Town Council. "Censored" is defined as a formal resolution of the legislative body reprimanding a member for specified conduct. It is an official reprimand or condemnation for improper conduct pursuant to §7-5-4103, §7-5-4109 MCA.

If the presiding officer of the Council has an interest in a matter pending before the Council, as defined by the laws of the State of Montana or as advised by the Town Attorney, he/she shall yield the chair to a member of the Council during the course of debate and decision concerning the matter in which he/she has an interest.

Section 4. Motions

After a motion is duly made and seconded by the Council, no person shall address the Council without first securing the permission of the presiding officer.

Refer to Exhibit A for sample motions.

Section 5. Consideration of Section by Section

Any member desiring that a measure be considered section by section may request, stating how the matter is to be divided. After consideration section by section, the entire measure, as amended, shall be voted upon.

PART VII. Presentation to the Council (Other Than a Public Hearing)

Section 1.

The general manner in which items other than public hearings are handled by the Council shall be as follows:

1. The presiding officer or staff member presents the item to the Council along with a brief summary of the matter for discussion, with or without recommendation.
2. For purpose of clarification, Council Members, after recognition by the presiding officer, may direct questions to the presiding officer or staff member.

3. Upon recognition by the presiding officer, comments from the applicant will be heard by the Council.
4. After recognition by the presiding officer, Council members may direct questions to the applicant.
5. All testimony shall be directed to the presiding officer.
6. The Council may, upon a proper motion and second, vote on the matter at hand or table the matter until a date certain.

Part VIII. Voting.

All contracts, service agreements, grant acceptance, ordinances, and resolutions require a roll call vote.

Any action of the Council shall be by roll call vote.

The Mayor has the authority to break tie votes with the exception of when the Council is selecting its officers, when the Council is voting to appoint a Council member as its representative to a board, committee, or commission.

When a Council member is acting as a Presiding Officer during the absence of the Mayor, they have the ability to vote in the same manner as they would as a Council member.

PART IX. Public Hearings

Section 1.

The Council may conduct public hearings or may appoint a committee or hearing officer for that purpose as provided in Section §7-1-4131, MCA. When heard by the Council the items will be presented to the Council in the same format as described in PART VII.

In addition, when public hearings and public interest matters are being heard and it is anticipated that a large number of citizens may wish to present Public Comment, the presiding officer, with the consent of the Council, may, prior to opening the hearing, establish reasonable guidelines, including reasonable time limits for presentations, for the conduct of the hearing. The presiding officer shall explain these guidelines to the audience prior to taking Public Comments.

Section 2.

The Council shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious Public Comment. The ruling of the presiding officer may be overruled by a majority vote of the Council.

Section 3.

The proponents or opponents, their agent or attorney, may submit petitions and letters during or prior to the closing of the hearing and the same shall be entered by reference into the minutes and considered as other Public Comment received at the hearing.

Section 4.

Following the presentation of all comments, the Council may:

1. Continue the hearing from day to day or to a date certain to allow additional information to be submitted to the Council as a body on any unresolved issues;
2. Close the public hearing and proceed to Council debate of the matter; or
3. Close the hearing and continue the Council debate and vote to a date certain.

A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the Council, upon motion duly made, seconded and passed, may call for an additional public hearing which hearing shall be duly noticed, specifying date, time, place and subject matter of the hearing.

PART X. Addressing the Council

Section 1.

The public is invited to speak on any item under discussion by the Council after recognition by the presiding officer. The speaker should step to the lectern or front of the room and, for the record, give his/her name and address and, if applicable, the person, firm, or organization he/she represents.

Prepared statements are welcomed and should be given to the Town Clerk to become part of the public record. All prepared statements shall become a part of the hearing record.

Comments are to be directed to the presiding officer.

Section 2.

While the Council is in session, the members must preserve order and decorum. A member shall not delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.

Any person making personal, impertinent or slanderous remarks or who shall become abusive or disruptive during the Council meeting shall be forthwith barred from further presentation to the Council by the presiding officer, unless permission to continue is granted by a majority vote of the Council.

PART XI. Ordinances and Resolutions

Section 1.

Ordinances and resolutions must be introduced by a member of the Council or the Mayor.

- If the draft ordinance is approved by the Mayor, it shall then be placed on the Council agenda for first reading, with second reading and final adoption by the Council occurring at least twelve (12) days after the first reading and provisional adoption.

- After being adopted, the ordinance shall be posted on the Town's posting board and copies shall be made available to the public by the Clerk of the Council.
- The reading of the ordinance's title and number shall be sufficient to constitute a reading and an actual oral pronouncement of each word contained therein of the proposed ordinance shall be waived unless required by a majority vote of the Council.

Section 2.

All ordinances, except emergency ordinances, shall become effective thirty (30) days after the second reading and final adoption. All resolutions and emergency ordinances shall become effective immediately, unless a delayed effective date is specified.

Prior to the next regularly scheduled Town Council meeting, all ordinances and resolutions approved by the Town Council must either be vetoed by the Mayor, signed by the Mayor, or returned to the Town Clerk without the Mayor's signature.

If an ordinance or resolution is not signed or vetoed by the Mayor prior to the next regularly scheduled meeting, the ordinance or resolution will go into effect without the Mayor's signature. In the Mayor's absence, the Council President may sign ordinances and resolutions, except those ordinances or resolutions the Mayor requests not be signed.

Section 3.

Resolutions adopting or amending the town's budget and resolutions setting usage, license, and permit fees shall be adopted only after notice given in accordance with §7-1-4127, MCA and a public hearing held thereon.

Section 4.

Details relating to Emergency Measures shall be handled in accordance with §7-5-4204, MCA, Details relating to emergency measures.

- The nature of the emergency must be expressed in the preamble or body of the ordinance
- The ordinance must receive two-thirds vote of all members present and voting
- An emergency ordinance can only be passed if it is immediately necessary for the preservation of the peace, health and safety of the citizens of Stevensville
- An ordinance passed as an emergency ordinance shall remain effective for no more than ninety (90) Days

PART XII. Election of Council President

Section 1.

Prior to the first regularly scheduled Town Council meeting in January following a general municipal election, any member of the newly organized Town Council who wishes to be a candidate for Council President shall notify the Town Clerk, in writing or via e-mail, of her/his desire to be President. The Town Clerk shall communicate the desire to become Council President to the Town Council and the Mayor.

Section 2.

The election of Town Council President shall be taken up as an item of new business on the agenda of the first regular Town Council meeting January following the municipal election. The election of Council President will be by voice vote recorded. A majority vote of Town Council is required to elect a nominee.

Section 3.

If a candidate(s) fails to obtain a majority, new nominations will be allowed after two successive votes fail to produce a majority. Unsuccessful candidates may be nominated.

Section 4.

If the position of Council President is vacated, the Town Council shall elect a new Council President at the first regularly scheduled meeting after the vacancy occurs.

PART XIII. Absences of a Town Council Member for more than 10 days

A Town officer desiring to be absent from the Town continuously for ten (10) calendar days or more shall submit a written or electronic request for permission to be absent to the Town Clerk's office. The request shall be directed to the Town Council members and the Mayor. The Town Clerk shall forward a copy of the Town officer's request to be absent to each Town Council member and the Mayor. If three (3) or more Council members have an objection to the absence, they may object, in writing or via e-mail, within three (3) calendar days after a copy of the request for absence has been sent to the Town Council membership.

If no written objection is filed, the request shall be deemed approved. Pursuant to Section 7-4-4111, MCA entitled, "Determination of Vacancy in Municipal Office," this provision shall be applicable to all Town officers who are elected or appointed to a term of office, and this shall be the Town Council's mechanism for giving its consent pursuant to Section 7-4-4111 (5), MCA, and shall provide for objecting parties to show cause for objection to request for absence.

After three (3) calendar days, the Town Clerk will notify the Town Officer of approval or objection.

PART XIV. Town Council Procedures for filling a Vacancy in an Elected Town Office

Section 1.

All vacancies within the Town of Stevensville shall be filled in accordance with §7-4-4112, MCA, Filling of vacancy and § 2-118, SMC.

Whenever Town Council has sufficient advance notice of a future vacancy in an elected office, Town Council shall attempt to fill the vacancy in advance of the actual vacancy in order to prevent an elected office from incurring a period of vacancy. A vacating Council member may vote for their replacement, if available.

Section 2.

Pending an election and qualification, the council shall appoint a person within 30 days of the vacancy to hold the office until a successor is elected and qualified.

Vacancies on the Council may be filled by an application process as described in Section 3.

The Town Council may determine the method of filling a vacancy of the Mayor's Office using one of the following methods at the next available council meeting.

In the case of a Mayor who has vacated office before a successor is appointed or elected, the Town Council may, by a majority vote of its members, appoint the Town Council President to act as Mayor until a successor is either appointed, elected by Special Election or elected during the next General Municipal Election.

If a Mayor gives advance notice that he will vacate the office, the council may fill the office as follows:

- Appointment of the Council President to the office of Mayor until such time as a Special Election or General Municipal Election can be held.
- By an application process as described in Section 3.

Section 3.

As soon as the Mayor or Town Council President becomes aware of a vacancy in an elected Town Office, or as soon as the Mayor or Town Council President receives official notice that an elected Town Office will become vacant at a specified date in the future, the Mayor or Town Council President shall make arrangements with the Town Clerk to publicly announce the vacancy using the same manner of advertising as when publicizing a public meeting, and the Town of Stevensville website.

The Town Clerk will receive written applications from citizens interested in applying to fill the vacancy in the elected office for ten calendar days from the date of the first public announcement by the Town Clerk's office.

The public announcement issued by the Town Clerk's office shall identify all the statutory established qualifications for an individual to be eligible to hold the vacant office.

The Town Clerk, in conjunction with the Town Attorney, shall prepare an application form for use by applicants interested in being selected to fill the vacant position if a preapproved application is not available. The application once prepared, shall be submitted to the Town Council at a regularly scheduled council meeting for approval for use. The application, once approved by the Town Council shall be maintained for future use and reviewed for accuracy before being used to fill a vacancy.

The application form shall request information as to the full name and address of the applicant, as well as all information necessary to determine if the applicant meets the statutorily established qualifications to fill the office.

The Town Clerk will review the written application in order to determine if an applicant meets the minimum qualification to fill the office as specified by State Law.

A list of all applicants, as well as a status of their eligibility, will be submitted by the Town Clerk to Town Council at its next regularly scheduled or special meeting after the application deadline. Each Town Council Member is entitled to select for interview or nomination a final slate of candidates.

All members of the Town Council who choose to apply for the Office of Mayor via the application process shall recuse themselves from the interview and selection process. The remaining members of the Town Council will complete the interview and selection process.

All applicants shall be interviewed using the same interview questions, without the presence of another applicant. No applicant shall be afforded an advance copy of the interview questions.

Upon completion of the interview process, each member of the Town Council will evaluate each applicant and then nominate an applicant for final selection via a majority vote of Town Council, in accordance with §7-4-4112, MCA Filling of Vacancies and § 2-118, SMC. The successful applicant shall be sworn in at the earliest convenient time and date to assure continuity in Town government.

Exhibit A. Basic Roberts Rules of Order Motions

To Do This	You Say This	Interrupt?	Debatable	Amendabl	Vote
Adjourn the	I move that we adjourn	No	No	No	Majority
Recess the Meeting	I move that we recess until	No	No	Yes	Majority
Complain About	Point of privilege	Ye s	No	No	No Vote: Chair decides
Suspend Consideration of a Motion	I move we table	No	No	No	Majority
End Debate	I move the previous question	No	No	No	Majority
Postpone Consideration	I move we postpone this matter	No	Yes	Yes	Majority
Have Something Studied Further	I move we refer this to committee	No	Yes	Yes	Majority
Amend a Motion	I move that this motion be	No	Yes	Yes	Majority
Introduce Business (a	I move that	No	Yes	Yes	Majority
Object to Procedure or	Point of Order	Ye s	No	No	No Vote: Chair decides
Request Information	Point of Information	If Urgent	No	No	No Vote: Chair decides
Ask for Vote by Actual	I call for division of the house	No	No	No	Request of One
To Stop Action on a Matter	I move we table	No	No	No	Majority
Reconsider a Matter Already Disposed of	I move we reconsider our action	Ye s	If the original motion is	No	Majority
Vote on a Ruling by the Chair	I appeal the chair's decision	Ye s	No	No	Majority
Object to Considering an Improper	I object to consideration of	Ye s	No	No	Majority



Stevensville Town Council Meeting

Agenda Item Request

To Be Submitted BEFORE Noon on the Wednesday before the Council Meeting

Agenda Item Type:	Choose an item.
Person Submitting the Agenda Item:	EnterName
Second Person Submitting the Agenda Item:	EnterName
Submitter Title:	Choose an item.
Submitter Phone:	EnterPhone
Submitter Email:	EnterEmail
Requested Council Meeting Date for Item:	EnterDate
Agenda Topic:	EnterTopic
Backup Documents Attached?	Choose an item.
If no, why not?	
Approved/Disapproved?	Choose an item.
If Approved, Meeting Date for Consideration:	EnterDate
Notes:	



**Stevensville Town Council Meeting
Agenda for
THURSDAY, JANUARY 23, 2020
7:00 PM**

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Public Comment
(Comment from citizens on items that are not on the agenda)
4. Consent Agenda
 - a. January 9 Regular Meeting Minutes
 - b. Claims #12345-67890
5. Administrative Reports
 - a. Airport Manager's Report
 - b. Building Department Report
 - c. Finance Report
 - d. Fire Department Report
 - e. Police Department Report
 - f. Public Works Report
6. Guests
7. Correspondence
8. Public Hearings
 - a. Ordinance No. 165, Updating Building & Technical Codes
9. Unfinished Business
 - a. Discussion/Decision: Second reading of Ord. No. 165
 - b.
10. New Business
 - a. Discussion/Decision: Adding a 27th letter to the alphabet
11. Executive Report
12. Town Council Comments
13. Board Report
14. Adjournment

Guidelines for Public Comment

Public Comment ensures an opportunity for citizens to meaningfully participate in the decisions of its elected officials. It is one of several ways your voice is heard by your local government. During public comment we ask that all participants respect the right of others to make their comment uninterrupted. The council's goal is to receive as much comment as time reasonably allows. All public comment should be directed to the chair (Mayor or designee). Comment made to the audience or individual council members may be ruled out of order. Public comment must remain on topic, and free from abusive language or unsupported allegations.

During any council meeting you have two opportunities to comment:

1. During the public comment period near the beginning of a meeting.
2. Before any decision-making vote of the council on an agenda item.

Comment made outside of these times may not be allowed.

Citizens wishing to speak during the official public comment period should come forward to the podium and state their name and address for the record. Comment during this time may be time limited, as determined by the chair, to allow as many people as possible to comment. Citizens wishing to comment on a motion for decision before any vote can come forward or stand in place as they wish. Comment must remain on the motion before the council.