



LEWIS AND CLARK COUNTY POLICY

Subject: General Personnel Policies, Policy Statements and Definitions	Policy No: 1.2.1
Approved:	Effective Date: August 1, 2017 Revised Date: 5/31/17

I. Policy Statement

The purpose of this Personnel Policy Manual is to establish a uniform system of personnel administration for Lewis and Clark County that is efficient, fair, equitable, and functional. This manual describes policies, guidelines and conditions of employment for County personnel. At the same time, the Personnel Policy Manual should not be construed as an agreement between Lewis and Clark County and its employees.

II. Applicability

All Lewis and Clark County employees.

III. Definitions

Active – In an active pay status.

Active Pay Status – The condition of having compensable hours in a given pay period. “In an active pay status” means the hours an employee is paid at the regular rate up to a maximum of forty (40) hours in a workweek. This includes hours an employee is paid for annual leave, sick leave, holidays, military leave, administrative leave and compensatory time.

Authorized – Authority that has been delegated by the Human Resource Director or his/her designee.

Cause/Good Cause – Reasonable job-related grounds for dismissal based on a failure to satisfactorily perform job duties, disruption of the employer's operation, or other legitimate business reason.

Compensatory Time – Hours worked beyond the standard forty (40) hour work week by employees considered to be non-exempt under terms and conditions of the Fair Labor Standards Act. Compensatory Time is accrued at one and one half hour per one hour worked

in excess of forty (40) hours (or alternate work schedule for certain public safety employees) in a work week.

Conflict of Interest – An employee engaging in outside employment or activities that conflict with County interests or the employee's ability to satisfactorily perform his/her duties as a County employee.

Consecutive – Employment that regularly lasts from week to week and month to month in a given year.

Department Director – A County employee who has the powers, duties, and responsibilities for managing a defined group of functions and services.

Discharge – The involuntary termination of employment for reasons other than lack of funds, lack of work, retirement or resignation.

Elected Official – Any one of the following: Board of County Commissioners; Coroner; Clerk of District Court; County Attorney/Public Administrator; Justice of the Peace; Superintendent of Schools; Sheriff; Treasurer/Clerk and Recorder/Auditor/Surveyor/Assessor.

Exempt Compensatory Time – Hours worked beyond the standard forty hour (40) work week by employees exempt from the provisions of the Fair Labor Standards Act. Exempt Compensatory Time is accrued at one hour per one hour worked in excess of forty (40) hours in a work week.

Exempt Employee – An employee in a position designated as executive, administrative or professional, who is not subject to the overtime pay provisions of the Federal Fair Labor Standards Act (FLSA) and its regulations. Exemptions are listed in Section 13 of the FLSA and further defined in 29 CFR 541.

Family Member – Any individual related by blood or marriage.

Flex-Time – An adjustment in employee's regularly scheduled working hours that varies from the regular, scheduled working hours.

Grievance – A complaint or dispute initiated by a County employee over the application, meaning, or interpretation of this Personnel Policy Manual.

Human Resource Director – Under general administrative direction of the Chief Administrative Officer, responsible for administration of County personnel policies and pay rules.

Immediate Family – The employee's spouse, any dependent member of the employee's household, or any parent, sibling, child, grandparent, grandchild or corresponding in-law.

Leave – Time off from work and may include either authorized or unauthorized time away.

Non-Exempt Employee – An employee who is not excluded from the overtime and/or minimum wage provisions of the Fair Labor Standards Act.

Officer – An elected or appointed County employee with statutorily defined responsibilities.

Overtime – Compensation paid at time and a half to non-exempt employees for hours worked in excess of forty (40) hours in a work week.

Performance Review – Process by which a supervisor appraises employees on the execution of the duties and responsibilities of the employee's position.

Probation – A period from the initial hiring, transfer, demotion, or promotion date during which the work performance and conduct of the employee is reviewed and assessed to determine whether Regular status will be granted.

Professional Employees – Employees employed in a bona fide professional capacity as defined by the Fair Labor Standards Act.

Resignation – Voluntary termination by an employee.

Retirement – Voluntary or physical disability termination of an employee who has qualified for and will receive retirement benefits immediately upon termination.

Status – Employment benefit categories. See Policy 1.2.3 for definitions.

Supervisor – Any individual authorized to assign and direct other employees, adjust employee grievances, discipline other employees, perform performance appraisals, and exercise authority delegated by the elected official/department director that is not of a merely routine or clerical nature but requires the use of independent judgment.

Termination – Separation from employment due to retirement, resignation, dismissal, temporary nature of the position, or end of term of employment or appointment.

Transfer – Movement by an employee from one department or division to another using a competitive recruitment process.

IV. **Directives**

A. Non-Discrimination and Equal Employment Opportunity Policy

1. The County observes a policy of non-discrimination: no individual will be discriminated against with regard to compensation, terms, conditions, or other privileges of employment because of race, ancestry, color, mental or physical disability, religion, national origin, sex, age, marital status, creed, ex-offender status, physical condition, political belief, public assistance status or sexual preference except where these criteria are reasonable bona fide occupational qualifications.
2. The County is committed to Equal Employment Opportunity (EEO) recruitment guidelines as promulgated by federal and state law: all provisions of this manual will be administered in accordance with the provisions contained in the Equal Employment Opportunity Guidelines where the guidelines are applicable and relevant.

B. Statement on Equal Employment Action Plan

1. The Lewis and Clark County Board of County Commissioners or the Board's designee may adopt an action plan to provide all persons equal opportunity for employment without regard to race, color, mental or physical disability, religion, creed, national origin, sex, age, or marital status. In keeping with this commitment, all department directors and their staff have the responsibility to actively facilitate equal employment opportunity for all present employees, applicants and trainees. This responsibility will include assurance that employment decisions are based on furthering the principle of equal employment opportunities by imposing only essential, job-related requirements for employment and by assuring that all personnel actions are administered on the basis of job necessity.
2. Specific responsibility for developing, implementing, monitoring and reporting a plan is assigned to the County Human Resource Director.
3. It is the policy of Lewis and Clark County to eliminate any practice or procedure that discriminates illegally or has an adverse impact on an "affected" class. Equal opportunity will be provided for all County employees during their terms of employment. All applicants for County employment will be employed on the basis of their qualifications and abilities.
4. Lewis and Clark County, where reasonable and practical, will use qualified minority- and woman-owned enterprises and will ensure that subcontractors and vendors comply with this policy. Failure of subcontractors and vendors to comply with this policy statement may jeopardize initial, continued or renewed funds.
5. The County's commitment is intended to promote equal opportunity in all employment practices and to provide a fair and equitable program for Lewis and Clark County, its employees, trainees and applicants.

C. Unlawful Discrimination and Sexual Harassment Policy Statement

1. Lewis and Clark County is committed to providing a positive atmosphere conducive to employees achieving high levels of performance. It is a policy of Lewis and Clark County to protect the rights of employees to work in an environment free of all forms of unlawful discrimination and harassment, including, but not limited to, sexual harassment.
2. For the purpose of this policy, unlawful discrimination is defined within the meaning of Title VII of the Civil Rights Act of 1964 and the Montana Human Rights Act. Unlawful discrimination is a failure or refusal to hire any individual or to make a decision with respect to his or her compensation, terms, conditions or privileges of employment because of an individual's race, color, religion, sex, national origin, age, mental or physical disability, sexual partner preference, marital status, receipt of public assistance, political belief and/or ex-offender status. Sex Discrimination includes Sexual Harassment.
3. The provisions of this policy apply to all Lewis and Clark County work sites, departments, and all employer sponsored activities.

4. In keeping with this policy Lewis and Clark County, as an employer, will:
 - a. provide a working environment free from unlawful discrimination for all County employees and for visitors to the County's work sites;
 - b. communicate the County's unlawful discrimination and harassment policy and reporting procedures to employees and supervisors;
 - c. recognize the sensitive nature of unlawful discrimination and harassment complaints and will encourage employees to report complaints early and will strive to resolve complaints in a timely and confidential manner; and
 - d. prohibit retaliation against any employee, or witness of any employee, for reporting alleged unlawful discrimination and/or harassment.
5. Lewis and Clark County considers unlawful discrimination and harassment unacceptable behavior and an abuse of authority. Furthermore, unlawful discrimination and harassment is a violation of State and Federal equal employment opportunity and non-discrimination regulations. Employees, applicants or visitors who are subjected to unlawful discrimination and/or harassment should contact the Human Resource Director. Complaints will be investigated through the established unlawful discrimination and harassment claim procedure described in Policy 1.2.12.

D. Statement on the Rights of Individuals with Disabilities

1. Lewis and Clark County is committed to providing all persons equal opportunity for employment without regard to race, color, mental or physical disability, religion, creed, ethnic background, national origin, age, sexual preference, marital status, gender or sex. In addition, the County has certain obligations and responsibilities under the Montana Human Rights Act and the Americans with Disabilities Act (ADA) that require the County to provide access to programs and services.
2. In keeping with this commitment and statutory obligations, all elected officials, department directors and their staff share a responsibility to actively promote and facilitate equal employment opportunity for all present and future disabled employees, applicants and trainees. This responsibility includes assurance that employment decisions are based solely on valid job-related requirements for employment and assuring that all personnel decisions are based on job necessity. The County also asserts and affirms its commitment to creating a barrier-free environment for the programs and services it offers.
3. The County Chief Administrative Officer (or designee) will act as the Americans with Disabilities Act Coordinator, with specific responsibility for directing, planning, training and implementation activities for ADA and the Montana Human Rights Act as it pertains to persons with disabilities.

E. Statement on Drug and Alcohol Abuse

1. Lewis and Clark County is committed to maintaining a safe, healthy, and productive work environment that is drug and alcohol free. Substance abuse increases the potential for accidents, absenteeism, substandard performance, and poor employee morale. Impaired judgment of employees may have serious financial consequences for the County through increased risk of accidents, potential accident liabilities,

increased Workers' Compensation liabilities, and potential faulty decision-making. Substance abuse undermines the County's mission to provide the community with an excellent quality of life through leadership, communication and delivery of services that are responsive to citizen's needs, cost effective, and oriented to the future.

2. The Drug-Free Workplace Act (D.F.W.A.) of 1988 requires that agencies receiving grants from any federal agency certify that they will maintain a drug-free workplace. This policy conforms to the D.F.W.A., Equal Employment Opportunity, and Affirmative Action Guidelines. Questions concerning this policy should be directed to the responsible elected official, department director or to the Human Resource Director.

F. Collective Bargaining

1. Employees have the right of self-organization, to form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours, fringe benefits, and other conditions of employment, to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion.

G. Conflict of Law

1. In situations where the provisions of this personnel policy conflict with County regulations, state statutes, federal law, or a collective bargaining agreement, the provisions of said regulations, statute, law, or collective bargaining agreement, will supersede the conflicting provisions in this manual.

H. Severability

1. If any section, subsection, sentence, clause, phrase or word of this policy is for any reason held to be invalid or unconstitutional, the decision will not affect the validity of the remaining portions of this policy.

V. Closing

Provisions of this policy will be followed unless they conflict with negotiated labor contracts which will take precedence to the extent applicable.

Questions concerning this policy should be directed to the Human Resource Department.

VI. References

None

VII. Attachments

None