

TOWN OF PHILIPSBURG

RESOLUTION 2023 – 3

A RESOLUTION APPROVING THE UPDATED PERSONNEL MANUAL

WHEREAS, the Town of Philipsburg Personnel Manual was last updated in November of 2016.

WHEREAS, necessary changes have been made to comply with current law and incorporated changes requested by MMIA to meet MMIA insurance underwriting requirements.

NOW THEREFORE, the Town Council of Philipsburg hereby approves the April 2023 Town of Philipsburg Personnel Manual.

ATTEST:

APPROVED:


Clerk/Treasurer


Mayor

The following Council Members voted in favor for the Resolution:

Scott Lyons, Carl Sunstrom, John Laigaie, Jason White, Lorraine Dell-Bishop, Gary Fujinami

The following Council Members voted against the Resolution:

The following Council Members were absent or abstained:

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STATEMENT OF POLICY

It is the policy of the Town of Philipsburg, hereafter referred to as the "Town", to comply with all United States Federal and State of Montana laws and Town ordinances as they apply to all potential and current employees of the Town.

The Town is an equal opportunity employer. The Town shall comply with all relevant federal and state laws, to include rules and regulations put forth by the Equal Employment Opportunity Commission.

The Town is an Affirmative Action, Americans with Disabilities Act, and an Equal Employment Opportunity employer. The Town affirms that it does not discriminate in its employment policies on the basis of race, sex, color, national origin, age, religion, marital status, veteran/military status, creed, political ideas, and physical or mental disabilities. This policy does not preclude discrimination based on bona fide occupational qualifications, on operational necessity, or other recognized legal exceptions.

It is the policy of the Town to be free of discriminatory practices in all matters related, but not limited to, recruiting, hiring, training, compensation, benefits, promotions, transfers, layoffs, recall from layoffs, termination, educational opportunities, facilities use, and participation in all Town-sponsored activities and programs.

It is the policy of the Town to follow Montana law concerning employment of relative (Nepotism) (Sections 2-2-301 to 304, MCA), addressing appointed employees, as well as the Human Rights Act statutory provisions which prohibit marital status discrimination.

TOWN OF PHILIPSBURG CODE OF ETHICS FOR EMPLOYEES

1. A Town employee will not accept employment or engage in employment negotiations with a person whom the employee regulates without first giving written notification to the employee's supervisor.
2. A Town employee will not receive salaries from two separate employment positions that overlap for the hours being compensated unless there is reimbursement to the Town for the absence incurred, or the salary is reduced by the amount of money received from the other employer.
3. A Town employee will not obtain employment where the employee will take advantage of matters he/she was directly involved in during Town employment within twelve (12) months of voluntary termination of employment with the Town.
4. A Town employee will not appoint any person related by "consanguinity within the fourth degree or affinity within the second degree" (Section 2-2-302, MCA).
5. A Town employee will not use public time, facilities, equipment, supplies, personnel, or funds for private use or business purposes.
6. A Town employee will not use his or her official position to economically benefit another or themselves.
7. A Town employee will not disclose information acquired in the course of official duties to further personal economic interests.
8. A Town employee will not accept a gift or an economic benefit that would influence a reasonable person to depart from the faithful discharge of public duties or intended to be a reward for official action taken (Section 2-2-104(1)(b), MCA).

2.0 SAFETY

- 2.0** It is the policy of the Town that the health, safety, and welfare of its employees are of utmost primary concern. Accident prevention is important to both the Town and its employees. The Town will comply with all provisions of the Montana Safety Culture Act of 1993 (Section 39-71-1501, MCA). All supervisors and employees have the responsibility of maintaining safe and healthful working conditions wherever work is performed. Supervisors and employees are required to exercise caution in the performance of their duties; use normal safe working practices; observe and obey safety postings and rules; use and maintain protective equipment; require assistance from another employee when needed, as in lifting.
- 2.1** Short safety meetings should be held prior to beginning any job that requires using heavy equipment and/or power tools. Safety meetings cannot be held prior to emergency situations. However, because knowledge of the procedures associated with the emergency is gained through experience, safety concerns should be the subject of the weekly meetings and addressed on a continual basis. Employees will sign off on all training done on a bi-weekly basis.
- 2.2** The Town will provide safety glasses, vests, and hard hats to all public works employees as needed.
- 2.3** 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.

3.0 EMPLOYEE APPEARANCE

- 3.1** While the Town leaves the choice of dress and grooming to the employee's discretion, the Town encourages all employees to consider the Town and the employee's status as public service professionals. The employee's working environment, safety considerations, and protection of the employee shall dictate the proper working attire. Employees will be required to wear personal protective equipment whenever and wherever work is performed.

4.0 RECRUITMENT, SELECTION, AND PROMOTION

- 4.1** It is the policy of the Town that its recruitment and selection procedures shall be designed to assure that Town departments hire the most qualified and suitable candidate for the position. The Town will comply with all federal, state, and local laws, policies and procedures concerning employment and collective bargaining agreements.
- 4.2** It is the policy of the Town that the recruitment and selection of employees shall meet the Equal Employment Opportunity, Affirmative Action, and Americans with Disabilities Act guidelines.
- 4.3 TOWN EMPLOYEE PREFERENCE**
- 4.3.1** It is the policy of the Town that hiring preference shall be given to permanent full-time or part-time Town employees possessing the necessary qualifications for the vacant position. First consideration will be given to those employees working in the department where the vacancy exists.

4.5 PROMOTIONS

- 4.5.1** It is the policy of the Town that promotion to a position will be from the most qualified applicants with first consideration given to qualified applicants from the department with the vacancy.

5.0 EMPLOYEE ORIENTATION AND INITIAL EMPLOYMENT PERIOD

- 5.1** It is the policy of the Town that it is the duty of the new employee's immediate supervisor to arrange for the orientation of the new employee. The immediate supervisor will use the New Employee Orientation Checklist (Appendix A) for this purpose and assign his/her initials to each item covered in the above-mentioned checklist with the new employee. The immediate supervisor of the new employee will show the new employee where the Town posts legal notices regarding wage and hour policies, unemployment insurance, worker's compensation, FMLA and EEOC information. The immediate supervisor who does the employee orientation and the employee will sign the checklist. The new employee will be given and will read and affix his/her signature to a copy of the Town's personnel manual.
- 5.2** It is the policy of the Town that all new employees or employees that have had a break in service will serve a probationary period of six (6) months from the effective date of hire to determine whether an employee can effectively perform the duties of the position. A probationary employee may be notified of dismissal at any time during the initial employment period. All employees can be discharged for good cause if there are reasonable job-related grounds for dismissal based on the failure to satisfactorily perform job duties, disruption of the Town's operation, or other legitimate business reasons.
- 5.3** A formal performance appraisal will be conducted for all new employees within twenty (20) working days prior to the end of the probationary employment period.
- 5.4** The Town will provide new employees education specific to the equipment and tasks required of their position.

6.0 COLLECTIVE BARGAINING

- 6.1** It is the policy of the Town to recognize the right of employees to bargain collectively, through representatives of their choosing, on questions of wages, hours, fringe benefits, and other conditions of employment (Section 39-31-201, MCA).

7.0 OVERTIME, STANDBY, AND COMPENSATORY TIME

7.1 OVERTIME

- 7.1.1** It is the policy of the Town that no overtime work will be allowed or compensated without the specific authorization of the department head. The use of overtime will be kept to an absolute minimum. Employees required to work overtime, and eligible to receive overtime compensation, shall be paid at the rate of one and one-half (1-½) times their current hourly rate for time worked in excess of forty (40) hours per week. Each department head will maintain complete and accurate overtime and compensatory time records. Time records will be kept for all employees by their supervisor unless the employee's position is classified as

8.3 DEFINITION OF A CLASS OF WORK

8.3.1 A class is comprised of one or more positions that are so similar in the character of their duties and responsibilities that the same title and qualification requirements can be applied for personnel management purposes. The same qualification requirements shall be applied to all positions in a class regardless of the department in which the position is located.

8.4 TITLE OF A CLASS OF WORK

8.4.1 The title of a class shall be the official title of every position allocated to that class for personnel purposes.

8.5 CLASS SPECIFICATIONS

8.5.1 The class specification, as set forth in the position description, shall state the characteristic duties and qualification requirements, which distinguish a given class or position from other classes and positions. The specifications shall be descriptive, but not restrictive; they shall describe typical types of work, which may be allocated to a given class, but shall not be construed to restrict the assignment of other duties, related to the class (Section 2-18-601, MCA).

8.5.2 A "permanent employee" shall mean an employee who has been given a permanent appointment. A "permanent position" shall mean any position which will continue for twelve (12) consecutive months or more.

8.5.3 A "part-time employee" shall be defined as one holding a position in which an employee performs services where the actual performance of duty ordinarily requires less than forty (40) hours per week.

8.5.4 A "seasonal employee" shall mean an employee who has been given a seasonal appointment. A "seasonal position" shall mean any position which requires the services of an employee during certain parts of the year, or recurring annually, or other periods.

8.6 POSITIONS ALLOCATED TO CLASSES, RULES, AND PROCEDURES

8.6.1 Every position will be allocated to a class within the classification plan, based solely on the duties of the position.

- a) When a new position is created, the department head will be responsible for the preparation of a position description that details the requirements, duties, and responsibilities of the position. The department head will forward the position description draft to the Town Mayor for review. The Mayor will allocate the position to the proper class, after analysis and evaluation of its requirements, duties, and responsibilities, without regard to personal abilities, characteristics, or qualifications of the incumbent or department to which the position is assigned.
- b) If there is no existing class to which a new position can properly be assigned, the Mayor may create such a class.
- c) The Mayor may, at any time, review a position that appears to be improperly classified.
- d) When it is determined that the work assignment of an employee has changed substantially due to the kind or level of work performed, the department head will be responsible for the preparation of a new position description, and the initiation of a

they may have with the appraisal. The performance appraisal and employee comments concerning any aspect of the appraisal will be placed in the employee's personnel file. The employee and his or her supervisor shall sign the performance appraisal. Employee written comments will be included and made part of the performance appraisal.

11.0 DISCIPLINARY PROCEDURES

- 11.1** Upon suspected violation of federal, state, or local laws, Town rules and/or regulations, employee conduct/behavior/performance standards, or Town policies, the employee may be subject to disciplinary action. The supervisor of the employee in question shall notify the Mayor and/or their designee. The Mayor or his/her designee will task the supervisor and/or the Town Clerk to fully investigate and document situations that may require disciplinary action. Employees may be placed on administrative leave (with or without pay) pending investigation. The employee will be interviewed during the investigation process. Prior to the investigation interview, the Mayor or his/her designee will inform the employee of the suspected violation and in general terms what the interview will be regarding.
- 11.2** The supervisor, the employee being investigated, the Town Clerk (if it is determined that he/she should attend) and the Mayor or his/her designee will meet and conduct the interview.
- 11.3** The Mayor or his/he designee, as well as the employee may request an attendee to accompany them in the interview if desired. The attendee, however, will be permitted for observation only and will not be permitted to participate in the interview.
- 11.4** Upon conclusion of the investigation, it will be decided whether or not discipline needs to occur. The Mayor or his/her designee shall inform the employee of the results of the investigation. If deemed necessary, the Town Clerk shall be present to document the hearing. During the interview, the employee will be able to respond to the findings of the investigation. Upon completion of the interview, the Mayor or his/her designee will write a letter to the employee documenting the investigation and hearing process has been completed, stating the findings, and declaring the appropriate form of discipline as determined by the Town. The Mayor may use any or a combination of the listed forms of discipline as each disciplinary situation warrants.
- 11.5** If the employee doesn't agree that the discipline was warranted or if he/she considers the disciplinary action inappropriate, the employee may follow the grievance procedure. Appropriate discipline, as determined by the Town, will be rendered in one or more of the following forms:
- 11.5.1 Oral Reprimand:** The Mayor or his/her designee will meet with the employee and explain the problem as well as the necessary action required to correct the problem. The Mayor or his/her designee will also outline the time period in which the employee must correct the problem and the consequences should the employee not conform or comply with the necessary action. The Mayor or his/her designee will summarize the conversation with the employee in writing to document the disciplinary procedure as an oral reprimand. The employee and the Mayor or his/her designee 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.
- 11.5.2 Written Reprimand:** The Mayor or his/her designee will document the problem in a letter to the employee. The Mayor and/or his/her designee will meet with the employee, present the letter, and explain the problem. During the meeting the Mayor or his/her designee will

- d) Persuading or attempting to persuade any Town employee to commit an unlawful act or to act in violation of any official regulation or order
 - e) Taking any compensation or gift of substantial value in the course of work for personal use
 - f) Drinking of alcoholic beverages or using any illegal drug(s) while on the job or off work to the extent of affecting job performance
 - g) Violation of any provision of the Drug-Free Workplace Act (See Section 12.0); or violation of the Town's anti-drug policy
 - h) Failure to obey any lawful direction made and given by a supervisor when such failure amounts to an act of insubordination, or may result in loss or injury to the Town or public
 - i) An employee using his/her position for personal gain
 - j) Failure to maintain confidentiality of sensitive information and use of Town information of a confidential nature to profit financially or giving such information to individuals who could profit from such information
 - k) Falsifying employment or other Town records
 - l) Violation of Town's nondiscrimination and/or diversity and harassment prevention policy
 - m) Violation of the Montana Code of Ethics; (Title 2 Government Structure and Administration, Chapter 2 Standards of Conduct, Part 1 Code of Ethics, MCA)
 - n) A pattern of excessive absenteeism or tardiness
 - o) Disregarding safety or security regulations
 - p) Having unauthorized firearms on Town premises or while on Town business
 - q) Perform other significant acts of misconduct that the employer deems inappropriate and warrants serious disciplinary action
- 12.2** Employees have the right to receive adequate notice of pending termination and have the opportunity for a hearing in which employee may present evidence on his/her behalf before the final decision for termination.

12.3 DRUG AND SMOKE FREE WORKPLACE

12.3.1 It shall be the policy of the Town to comply with all provisions of the Drug-Free Workplace Act of 1988 to provide a drug-free workplace as stated in Title 41 USC Sec 701, et seq. Officials will refer to the Montana Department of Transportation Drug and Alcohol Testing Policy #4-0132 for such provisions. It is the policy of the Town to be a smoke free workplace, except in designated areas.

- a) The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace. Action will be taken against employees for violation of such prohibition.
- b) The Town will conduct an ongoing drug-free awareness program to inform employees about the danger of drug abuse in the workplace. Employees will be informed of the Town's policy of maintaining a drug-free workplace, any available drug counseling, drug rehabilitation, and employee assistance programs. Also, employees will be informed of the penalties that may be imposed upon employees for drug abuse violations occurring

14.0 EMPLOYEE RESIGNATION OR TERMINATION

- 14.1** It is the policy of the Town that any employee wishing to leave Town employment in good standing must file with his/her immediate supervisor a written resignation, state the effective date of resignation. The Director of Public Works and the Town Clerk will submit their resignation to the Mayor. The resignation must be received at least fourteen (14) days prior to the effective date. The resignation by a department head must be received thirty (30) working days prior to its effective date.
- 14.2** Upon the effective date of termination, the employee shall return any Town property that was given to the employee to be used in the performance of the employee's job.
- 14.3** A final paycheck will be issued to the employee no later than 15 calendar days after termination or the next pay period whichever is sooner. A copy of the Town's grievance policy will be given to the employee at the date of termination.
- 14.4** Vacation and sick leave accrued at termination will be paid in accordance with Sections 2-18-611, 2-18-617, and 2-18-618, MCA. Retirement fund equity with interest or retirement benefits will be paid in accordance with the Public Employee's Retirement System Act, Title 19, Chapter 3, MCA and Board Rules and Regulations contained in the Administrative Rules of Montana (ARM).

15.0 GRIEVANCE PROCEDURE

- 15.1** It is the policy of the Town to establish a uniform procedure for the resolution of employee grievances. A grievance exists when an employee feels dissatisfied with an aspect of his/her employment and desires remedial action. Most grievances can be settled by presenting the problem informally to their immediate supervisor. All employees shall be free to present grievances to their department head and shall be assured freedom from discrimination, coercion, restraint, or reprisal as a result. The following grievance process shall be followed:
- 15.1.1** Within thirty (30) calendar days of the matter being grieved, the employee informally explains the grievance to the department head and requests a specific remedy. The department head will investigate the alleged grievance and respond to the employee within thirty (30) calendar days. Every reasonable effort should be made to settle all grievances at this stage.
- 15.1.2** If the grievance is not settled at the first step, the employee may, within five (5) working days of receiving the department head's response, submit a written grievance to the mayor. The grievance must contain a complete statement of the action or situation being grieved and the remedy being sought. The Mayor shall make a written reply to the employee's grievance claim within five (5) working days.
- 15.1.3** If the grievance is not settled at the second step, the employee may, within five (5) working days after receiving the Mayor's written reply, submit a written appeal to the Town Council.
- 15.1.4** The Town Council will, within thirty (30) calendar days of receipt of the grievance appeal, confer with all persons who they feel can aid in making a just decision. The Town Council will inform the employee in writing within forty-five (45) calendar days of receipt of the grievance of its findings and decision. The Town Council's decision is final.

the employee from the Town. If an employee charges juror or witness time off against annual leave, the employee shall not be required to remit fees to the Town Clerk. Either way, the employee may keep any expense and mileage allowance paid by the court (2-18-619, MCA).

18.0 ABSENCE WITHOUT LEAVE

- 18.1** It is the policy of the Town that any absence from duty without authorized leave shall be considered absence without pay, which is grounds for disciplinary action or dismissal. Failure of the employee to notify his/her supervisor within twenty-four (24) hours after the shift begins may be cause for suspension and/or discharge. Absence without leave for five (5) consecutive workdays is considered a resignation from service. Such absence may be approved retroactively by the Mayor by a subsequent grant of leave, with or without pay, when extenuating circumstances exist.

19.0 HOLIDAYS

- 19.1** It is the policy of the Town that all full-time and part-time employees (regular, probationary, seasonal, and temporary) shall be granted the following paid holidays:
- January 1 (New Year's Day)
 - Third Monday in January (Martin Luther King Jr. Day)
 - Third Monday in February (Presidents' Day)
 - Last Monday in May (Memorial Day)
 - July 4 (Independence Day)
 - First Monday in September (Labor Day)
 - Second Monday in October (Columbus Day)
 - November 11 (Veterans' Day)
 - Fourth Thursday in November (Thanksgiving Day)
 - December 25 (Christmas)
 - State General Election (Congressional, Gubernatorial or Presidential Elections)
- 19.2** If any holiday falls on a Saturday, the preceding Friday is a holiday. If any holiday falls on a Sunday, the following Monday is a holiday.
- 19.3** Any full-time employee scheduled for a day off on a legal holiday shall be entitled to receive a day off in addition to the regular days off, either on the day before or following the holiday, or as agreed to between the employee and the employer.
- 19.4** If one or more regular holidays fall in the period of an employee's annual vacation leave, the holiday will not be charged against the vacation record.
- 19.5** Permanent part-time employees are entitled to the prorated number of holiday hours for each day of paid holiday granted to the full-time employees of the Town provided the part-time employee works at least forty (40) hours in that month. Seasonal full-time employees will receive holiday pay during the months that they are working.
- 19.6** Employees working on a holiday will be entitled to the regular pay for that day plus time and a half pay for hours worked for that day. Employees may arrange to take off another one and a half days with pay instead of time and a half wages with their supervisor's approval.

without restriction as to the number of days that may be accumulated. Permanent part-time employees and seasonal part-time employees are entitled to prorated accumulation of sick leave.

- 21.2** Sick leave credits are earned from the first day of employment, but employees are not entitled to take paid sick leave until they have been continuously employed for ninety (90) calendar days. Sick leave cannot be earned while on leave-without-pay status. Employees may take sick leave, aside from personal illness, for the following reasons: The illness of an employee's immediate family member or death in an employee's or employee's spouse's immediate family. The immediate family is defined as the employee and spouse's family which would include any member of the employee's household (which will include foster children), or any parent, child, grandparent, or grandchild. Sick leave may also be used for funeral leave. The maximum amount of this specific use of sick leave that can be used for the immediate family's funeral is five (5) working days or forty (40) work hours. Any other bereavement leave that can be taken for individuals other than immediate family is three (3) vacation days. Extension of bereavement leave can be requested in writing from the Mayor.
- 21.3** An employee on sick leave shall inform his department head as soon as is reasonably possible. Department heads will inform each other as soon as is reasonably possible.
- 21.4** Sick leave is a valuable privilege intended to prevent loss of income. If abuse of sick leave is suspected, the supervisor may request a valid doctor's verification of illness or injury.
- 21.5** An employee who has been unable to work due to illness or accident may be required, before being permitted to return to work, to provide medical evidence that he/she is again able to perform all significant duties of the position in a competent manner, without hazard to himself/herself or others.
- 21.6** Sick leave charges and credits shall be charged to the nearest full hour. Sick leave charges in excess of earned sick leave credits may be charged to earned and available annual leave.
- 21.7** Employees covered by the Worker's Compensation Act are entitled to benefits administered by the Montana Municipal Insurance Authority (MMIA) when they suffer injury or illness as a result of their employment. An employee may elect to use his accrued sick leave credits to supplement until Worker's Compensation payments begin.
- 21.8** Any holiday which falls during a period that an employee is on sick leave will not be charged against sick leave credits.
- 21.9** Employees who terminate employment with the Town for any reason are entitled to a lump sum payment equal to one-fourth of the time attributed to the accumulated sick leave, based on the salary of the employee at termination. The abuse of sick leave by an employee of the Town can result in forfeiture of the lump-sum payout pursuant to Section 2-18-618, MCA.

21A.0 MEDICAL BENEFITS

- 21A.1** Permanent employees will be entitled to insurance coverage under the Town's group medical insurance plan. Employees who elect not to participate in the group health insurance program will receive compensation from the Town for insurance (health, term-life, or personal causality) up to the maximum set by the Town Council for each fiscal year. The individual must provide a certificate of insurance coverage to the Town Clerk each fiscal year to receive the insurance contribution. The Town's insurance contribution, other than health insurance, will be included in the individual's paycheck.

24.0 TRAVEL

- 24.1** It is the policy of the Town that Town officers, employees, and others representing the Town on official Town business shall receive travel expenses, meal allowances, and incidental expenses. All per diem rates will be paid at the same rate as paid by the State of Montana, (Section 2-18-503, MCA).
- 24.2** Actual registration fees for approved conferences, workshops, and meetings shall first be approved by the Town Council and then either paid in advance or reimbursed to the person incurring them, provided a claim for reimbursement is supported by a receipt showing payment of the registration fee.
- 24.3** The department head shall approve all travel expenses. Expense advances may be approved by the Town Council to offset any undue financial hardships on employees traveling on behalf of the Town.
- 24.4** The willful misrepresentation or altering of claims is unlawful and grounds for dismissal and may result in the filing of criminal charges.

25.0 LAWSUITS

- 25.1** It is the policy of the Town that no employee of the Town is authorized to accept any legal process served on the Town except the Mayor, Town Attorney, or Town Clerk.
- 25.2** If a process server approaches an employee, the employee shall direct the server to the Mayor, Town Attorney, or Town Clerk without accepting or signing the process. Should the employee be required to accept served papers, it will be the employee's priority to locate and forward such information to an authority as listed above.
- 25.3** No employee shall discuss aspects of any matter subject to a lawsuit or hearing involving the Town without prior consultation with the Town Attorney.

26.0 POLITICAL ACTIVITY

- 26.1** It is the policy of the Town that no employee shall engage in any form of political activity during working hours, or while in Town uniform. No employee will utilize his or her position as a Town employee in any political action or to support any political candidate. This policy includes all job classifications and part-time employees (See Town of Philipsburg's Employee Code of Ethics).
- 26.2** An employee may belong to a political party, be a member of any established organization or political club, and may attend political meetings, enjoy complete freedom in casting his/her vote, and may seek election or appointment to public office.
- 26.3** This policy is not intended to discourage any employee from involvement in political activities as a private citizen.
- 26.4** It is the policy of the Town to comply with the "Hatch Act", 5 USC 1502(a).
- 26.4.1** An officer or employee of the Town whose principal employment is in connection with an activity financed in whole or in part by loans or grants made by the United States or a Federal agency may not:
- a) use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office

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 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.

The Town encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the town 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 Disciplinary Procedures 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.

27.4 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, request 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 individual's work performance or creating an intimidating, hostile, or offensive working environment

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

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

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

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

30.0 BREASTFEEDING POLICY

30.1 Women returning from maternity leave who wish to continue breastfeeding or separate 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 provided as mutually agreed upon. Additionally, the Town 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, whether or not specifically listed here, will be complied with.

31.0 COLLECTIVE BARGAINING STATEMENT


31.1 Where there is a conflict between a Collective Bargaining Agreement (CBA) for unionized employees and the policies of the Town, the CBA shall take precedence.

ADOPTION

The Town of Philipsburg’s Personnel Manual, with attachments below, was adopted by a majority vote of the Town Council with consent of the Mayor on this 4th day of April, 2023.

FOR THE TOWN OF PHILIPSBURG:

BY: 
Mayor Daniel Reddish

BY: 
Town Clerk Reed Speegle