

Office of the Water Engineer  
of the Flathead Reservation Water Management Board  
Personnel Policies

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KEY: priority items, updates, approvals

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## Policy Set 1. Office of the Engineer Mission

### 1.01 Who We Are

The Office of the Water Engineer serves as the implementation arm of the Flathead Reservation Water Management Board. We are all employees of the Board, led and supervised by the Water Engineer. Along with the Board, we are part of a government instrumentality charged with the implementation of the Unitary Administration and Management Ordinance portion of the Water Compact between the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States.

### 1.02 What We Do

The Office of the Water Engineer administers and enforces water rights for the purpose of providing orderly and compliant use of water resources. We conduct our duties to benefit the people of the Flathead Indian Reservation. Our employment is one of public trust.

### 1.03 Culture and Expectations

We strive to build trust and capacity to make our office a good place to work and ensure a professional, pleasant, efficient, productive, and safe workplace.

### 1.04 Office of the Water Engineer Supervisory Structure (approved 7/27)

The Water Engineer is the supervisor of the employees of the Office of the Water Engineer, but can delegate temporary, short-term, or long-term supervisory responsibilities to staff as needed. Delegations of long-term supervisory responsibilities will be documented in an employee's job description or amendment attached to their job description. Delegations cannot include disciplinary responsibilities beyond documentation and reporting to the Water Engineer. The Water Engineer receives direction from the Board regarding policy, procedures, and priorities. The Water Engineer's consults with the Board Chair, or Board Vice Chair, when the Water Engineer encounters issues of an unusual nature that require a decision to be made between regularly scheduled Board meetings.

The Board Chair, or the Vice Chair in the absence of the Board Chair, conducts the Water Engineer's performance assessments and personnel actions, after receiving input from the Board.

### 1.05 Important Acronyms and Terms

- (A) ADA – American Disabilities Act
- (B) Compact – water rights compact entered into by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, the State of Montana, and the United States Ratified set forth in MCA 85-20-1901.
- (C) CSKT – Confederated Salish and Kootenai Tribes
- (D) CWS – Compressed Work Schedule

- (E) DNRC – Montana Department of Natural Resources and Conservation
- (F) EAP – Emergency Action Plan
- (G) FLSA – Fair Labor Standards Act
- (H) FMLA – Family Medical Leave Act
- (I) FRWMB or Board – Flathead Reservation Water Management Board
- (J) FWS – Flexible Work Schedule
- (K) OE – Office of the Engineer, Office of the Water Engineer, or Flathead Reservation Office of the Water Engineer
- (L) Ordinance – the Unitary Administration Management Ordinance set forth in MCA 85-20-1902 and CSKT Ordinance No. 111-A
- (M) PTO – Paid Time Off
- (N) Telework – performing tasks that would normally be conducted at the Office of the Engineer physical address but performing those tasks from a location other than the Office of the Engineer. Telework is different than fieldwork for travel assignments.
- (O) PTO – Paid Time Off

## **Policy Set 2. Personnel Policy Authority, Updates, and Distribution**

### **2.01 Scope and Authority of the OE Personnel Policy**

This policy defines the guidelines for all employees of the Board, including the Water Engineer.

This original policy and any subsequent updates and amendments are enacted through an official action of the Board at a formally noticed meeting of the Board and pursuant to a majority approval vote.

### **2.02 OE Personnel Policy Updates**

Updates to this document will be documented by date on the cover page and will serve to replace all previous versions of OE Personnel Policies. Previous versions will be stored pursuant to the Board and the OE's document retention policies.

### **2.03 Distribution of the Policy to Employees**

The Water Engineer will provide all OE employees with the most current version of OE Personnel Policies. The Water Engineer shall provide an explanation of these policies to each employee of the Board at the time of distribution. The acknowledgement of these policies will be documented in writing and added to each employee's personnel file.

### **2.04 Questions or Concerns**

Direct all questions or concerns regarding these policies to the Water Engineer.

### Policy Set 3. Employee Conduct (combined sections 3 & 4)

#### 3.01 Public Trust – Public Duty

Holding OE employment is a public trust, created by the confidence that the electorate reposes in the integrity of public employees. An OE employee shall carry out the individual's duties for the benefit of the people of the Flathead Indian Reservation and the State of Montana.

#### 3.02 Workplace Respect Mandate (updated)

All OE employees are expected to develop and maintain business-like relationships free of bias, prejudice, harassment, and retaliation. Employees have a responsibility to treat others with dignity and respect.

The OE will not tolerate harassment or discrimination of employees by anyone, including any supervisor, manager, board member, co-worker, vendor, client, contractor, customer, or other regular OE visitor.

Whenever possible, any employee who is experiencing harassment, discrimination, or retaliation, should inform the person engaging in the conduct that it is unwelcome and request that it stop.

OE employees witnessing or experiencing this type of behavior are required to report the occurrence(s) as set forth in §3.20.

#### 3.03 Harassment Definition

Harassment is unwelcome or offensive conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, or age. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment may be verbal, written, electronic, physical, or visual in nature. Even mutually agreeable behavior of this type, or behavior accepted between two or more people, can be offensive to others; for this reason, it is prohibited in the workplace.

Sexual harassment is a form of harassment that includes uninvited and unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature when:

- (A) The unwelcome conduct occurs repeatedly after being asked to stop;
- (B) Submission to the conduct is implicitly or explicitly made a term or condition of employment or the basis for an employment decision affecting the individual; or
- (C) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offense working environment.

### 3.04 Retaliation Definition

Retaliation occurs when an employer, supervisor, or coworker punishes an employee for engaging in legally protected activity. Retaliation can include negative job action, such as demotion, discipline, firing, salary reduction, or job or shift reassignment.

Neither the OE nor any of its employees will retaliate against any applicant, employee, or past employee for opposing unlawful discriminatory practices, reporting, or assisting in making a harassment or discrimination complaint or cooperating in a harassment or discrimination investigation. Retaliation in any form is ground for disciplinary action up to and including termination of OE employment.

### 3.05 Equal Employment Employer

Equal employment opportunity is a fundamental principle at the OE, where employment is based upon personal capabilities without discrimination on the basis of any legally protected classification, such as race, color, religion/creed, sex (including pregnancy, gender, and sexual orientation), national origin, age, political ideas, vaccination status, genetic information, or disability, so long as those classifications/conditions do not affect the reasonable demands of the position or ability to perform the required tasks. This policy applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, layoff, discharge, training, and all other terms, conditions, and privileges of employment.

### 3.06 Money Collected (updated)

Any money collected by employees in the actions of the OE that is not a reimbursement for the cost of the action must be deposited in the OE operating account.

### 3.07 Attire, Appearance, and Hygiene (updated)

- (A) Dress Code: All employees should dress in business professional or business casual and avoid clothes with stamps or markings that are offensive or inappropriate for an office setting. Clothing with political, confrontational, or controversial messaging is not allowed in the workplace. Clothing should be kept clean, neat, and in good repair.
- (B) Hygiene: All employees should maintain personal cleanliness and grooming habits that reflect a professional image for both the employee and the OE. The use of perfume and strong-smelling products that may cause allergic reactions by coworkers and clients is discouraged.
- (C) Supervisors can specify additional or alternative dress and grooming requirements based on the business, health, and safety needs as specified in Personal Protective Equipment sections of employee's job description or a job hazard analysis.
- (D) If employees require reasonable accommodation regarding their dress for bona fide health and/or religious reasons, they should provide a written request describing the exception and the need for an exception to for their supervisor to consider. Unless it constitutes an undue hardship, safety hazard, or disruption of office culture, the OE will



accommodate such reasonable requests.

### **3.08 Attendance**

Attendance is an important job responsibility and an essential function of all OE positions. Employees are expected to be at work on all scheduled workdays, during all scheduled work hours, and to report to work on time.

- (A) On time means being properly dressed and prepared to begin work at the start of your scheduled work period.
- (B) If an employee is unable to report to work or is going to be late, the employee must personally notify their supervisor within 30 minutes of the expected report time.

### **3.09 Irregular Attendance**

unexcused absences, tardiness, and unreported absences are disruptive to the business, will not be tolerated, and may be cause for disciplinary action, up to and including discharge.

- (A) Employees who have unexcused or unreported absences or tardiness will not receive pay for the time not worked, which will be recorded as *leave without pay* on the employee's timesheet.
- (B) An unexcused absence is one in which the employee calls in *on or before the day* that the employee will be out, and gives a reason the employee's supervisor considers, at their discretion, unacceptable.
- (C) An unreported absence means one in which the employee does not contact the OE the day the employee is out. In the event of an unreported absence for a period of three consecutive workdays, the OE shall consider the employee to have voluntarily terminated employee employment.
- (D) The OE reserves the right to request a doctor's certification regarding an absence or for fitness to return to work.

### **3.10 Confidential Information**

An OE employee may not disclose or use confidential information acquired in the course of official duties to further the individual's personal economic interests.

### **3.11 Gifts**

An OE employee may not accept a gift of greater than \$50.00 value or a substantial economic benefit tantamount to a gift that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

### 3.12 Duplicative Salaries

An OE employee may not receive salaries from two separate employment positions that overlap for the hours being compensated by the OE. An OE employee shall disclose employment in addition to their position with the OE that includes schedule, general nature of the work, and any potential conflicts of interest in relation to their work with the OE. The management of conflicts of schedule and conflicts of interest is governed by the OE employee's supervisor. The following exceptions apply to overlapping compensation:

- (A) the employee reimburses the entity from which the employee is absent for the salary paid for performing the function from which the employee is absent; or
- (B) the employee's salary is reduced by the amount received from the other public employer to avoid duplicate compensation for the overlapping hours; or
- (C) the income received is from the use of accrued leave or compensation time during the period of overlapping employment.

### 3.13 Disclosure of Conflicts of Interest

The OE and the Board requires disclosure of certain information under circumstances:

- (A) An OE employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of a private interest that creates the conflict. The OE employee shall make the disclosure in writing to their supervisor, listing the amount of private interest, if any, the purpose, and duration of the services rendered, if any, and the compensation received for the services or other information that is necessary to describe the interest. If the OE employee then performs the official act involved, the OE employee shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act.
- (B) An OE employee may not solicit or accept employment or engage in negotiations or meetings to consider employment with a person whom OE employee regulates in the employee's official duties, without first giving notice to the employee's supervisor.

### 3.14 OE and Board Property for Private Business Purposes

As an OE employee you may not use OE time, facilities, equipment, supplies, personnel, or funds for private business purposes. This includes soliciting support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless authorized by law or properly incidental to another activity required or authorized by the law.

### 3.15 OE Employees and Former Employees Not to have Interest in Contracts

OE employees may not have interest in any contract made by them in their official capacity if they are directly involved with the contract. A former OE employee may not, within 6 months following the separation and/or termination of employment, contract or be employed by an

**Commented [TWM1]:** I am very opposed to this section. The FRWMB is the primary employer. Employees need to request to have secondary employment. This is way too complicated and wordy. Do not say an employee shall disclose employment they need to request outside employment so that potential conflicts of interest can be evaluated by the employer.

**Commented [EM2R1]:** This language was generally taken from the State Ethics Policy. I don't really want to know about or have to approve anyone's side-hustle unless there is 1) a conflict or 2) overlap in work hours

**Commented [TWM3]:** I believe that 6 months is too short. 12 months? And then we need a form for employees to sign. A nondisclosure ? Non- competition form?

employer who contracts with the OE or the Board involving matters with which the former OE employee was directly involved during employment. The following expands on this policy:

- (A) "be interested in" does not include holding a minority interest in a corporation.
- (B) "contract" does not include:
  - (1) contracts awarded based on competitive procurement procedures conducted after the date of employment separation and/or termination;
  - (2) merchandise sold to the highest bidder at public auctions;
  - (3) investments or deposits in financial institutions that are in the business of loaning or receiving money; and
  - (4) a contract with an interested party if, because of geographic restrictions, a local government could not otherwise reasonably afford itself of the subject of the contract. It is presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than 10% of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.
- (C) "directly involved" means the person directly monitors a contract, extends, or amends a contract, audits a contractor, is responsible for conducting the procurement or for evaluating proposals or vendor responsibility, or renders legal advice concerning the contract.
- (D) "former employee" does not include a person whose employment with the OE was involuntarily separated because of a reduction in force or other involuntary separation not involving violation of the provisions of this title.

**Commented [RN4]:** I think this would violate the Montana Right to Work Law. Check with Board attorney!

**Commented [EM5R4]:** This is all from MCA 2-2-201

**Commented [EM6R4]:** I don't think this section is really needed - given the number of comments and such we should consider eliminating it

**Commented [TWM7]:** This complicated language is too wordy and complicated. How do you administer this? Simpler is better.

**Commented [gs8]:** I recognize that "afford itself of the subject of the contract" is the correct legal phrasing here; however, it is cumbersome. Would it not be simpler to state, "could not reasonably supply or provide a service specified in a contract"?

### 3.16 Unwarranted Privileges and Interest in Contracts (updated)

An OE employee may not:

- (A) engage in any activities including lobbying on behalf of an organization of which you are a member while performing your job duties;
- (B) participate in a proceeding when an organization of which you are an officer or director is either involved in a proceeding before your agency that is within the scope of your job duties, or attempt to influence a local, state, or federal proceeding in which you represent the state.
- (C) OE employees may not be interested in any contract made by them in their official capacity.
- (D) A former employee may not, within 6 months following the separation and/or termination of employment, contract or be employed by an employer who contracts with the Board or the OE involving matters with which the former employee was

directly involved during employment. (This does not apply to contracts awarded based on a competitive process or to merchandise sold to the highest bidder at public auction. It also does not apply to you if you were separated due to a reduction in force.)

**Commented [RN9]:** Same; may violate Montana Right to Work Laws; check with Board legal staff.

**Commented [EM10R9]:** I've replaced former language with language more directly from MCA 2-2-201 in new C & D. I suggest these clauses be added to the Board's bylaws as well.

### 3.17 Drug Free Workplace (new updates)(legal review completed 8/06)

It is the policy of the Board and the OE that the unlawful manufacture, distribution, dispensing, possession, or use of dangerous drugs as defined in MCA 50-32-101, by any employee in the workplace or in a work status is prohibited.

It is also the policy of the Board and the OE not to discriminate for use of lawful product during nonworking hours as set forth in MCA 39-2-313.

While at work, OE employees may not use legal, prescribed, or otherwise, drugs and medications that impair work quality, pose safety concerns, or otherwise disrupt OE operations and function. Upon written request of the employees, a supervisor may provide, at their discretion, accommodation through remote work or other means during times in which an employee is prescribed medications that may cause that may cause such work disruptions or safety concerns.

OE employees witnessing a violation of the drug free workplace standards above are required to report it to their supervisor or a Board member and provide a written statement regarding suspicion of witnessing at-work drug use as set forth in § 3.20.

If there is suspicion of drug or alcohol impairment while an employee is in the workplace or in a work status, the employee's supervisor may require the employee to take a drug screening test. If an employee is involved in an accident while in the workplace or in a work status that may or may not include a vehicle, the employee's supervisor may require the employee to take a drug screening test. Any required drug screenings will be conducted by a third-party professional drug screening company and paid for by the OE. Employee time spent accommodating OE required drug screening will be compensated at their regular rate and categorized as administrative leave.

**Commented [EM11]:** Drafted in response to Teresa's email comments

An employee who violates these policies is subject to discipline action, up to and including termination of OE employment or termination of OE contract.

For all drug and alcohol testing of OE employees, the OE adheres to the Montana Drug and Alcohol Testing Act (MCA 39-2-205 et seq.) and any policies set forth in the OE Personnel Policies that are in conflict with that act will yield to the requirements and regulations stipulated in MCA 39-2-205 et seq.

**Commented [EM12]:** New as per HF

### 3.18 Smoking/Tobacco/Vape Use Prohibited (updated)

The use of tobacco and marijuana products including but not limited to cigarettes, cigars, pipes, vaping equipment, and smokeless tobacco is prohibited inside of or within a 40-foot perimeter outside of OE facilities or vehicles. This policy relates to all work areas, including before and after normal working hours. Repeated violation of this policy may result in the employee being required to participate in a mandatory cessation program or the OE may take appropriate corrective disciplinary action, up to and including discharge.

### 3.19 Personal and Family Relationship

The purpose of this policy is to avoid conflict of interest or the appearance of a conflict of interest as could be created by personal and/or familial relationships in the workplace.

#### (A) Terms

- (1) Personal Relationship is defined as a relationship of an intimate or romantic nature or of such a nature that it could result in an allegation of conflict of interest.
- (2) Family Relationship is defined as a relationship through blood, marriage, or membership in the same household, including domestic partnerships.
- (3) Conflict of interest for this policy is defined as any action taken that will benefit the employee or others in a personal or family relationship with that employee.

(B) No employee shall participate in employment, workplace and supervisory decisions involving a direct benefit to any person with whom they have a Personal or Family Relationship. This includes, but is not limited to, decisions involving employment, pay, disbursement, reimbursement, or the administration of contracts.

(C) It is the responsibility of each employee to abide by this policy, as well as to disclose situations involving a conflict of interest or the possible appearance of a conflict of interest to his or her supervisor. Failure to comply with this policy could result in disciplinary action up to and including the termination of employment.

(D) If a hiring official or hiring team member has a personal or family relationship with any applicant for a vacant position, he/she must notify his/her supervisor as soon as they are aware that a person with whom they have such relationship is applying for or has applied for a vacant position. The supervisor shall discuss the situation with their supervisor.

(E) Typically, a competitive hiring process does not have to be utilized for temporary hires. However, if individuals with a personal or family relationship to an employee within the work unit wish to be hired in a temporary position, a competitive process should be used. A representative from the Board should serve as the hiring team leader when individuals with a personal or family relationship are in the applicant pool for either

**Commented [TWM13]:** Does our employment application have a section to disclose family relations? We should.

**Commented [EM14R13]:** We don't have an employment application

temporary or permanent positions.

- (F) Exceptions to this policy will be approved by the Board.
- (G) If current employees are married or enter a personal relationship that could create or have the appearance of creating a conflict of interest, they should immediately notify their supervisor.

### 3.20 Reporting Requirement and Procedures (updated)

All employees are responsible to help ensure that the OE avoids harassment, discrimination, retaliation, drug use in the workplace, abuse or misappropriation of funds, mishandling of confidential information, or any other violations of the OE personnel policy set forth here.

Whenever possible, employees who believe they have been subjected to harassment, discrimination, or retaliation, or have witnessed such behavior in the workplace, should immediately report this information to your supervisor or a Board member, in writing. Reports will be documented by the receiving supervisor or Board member, in writing, to include the details, such as time, parties involved, subject material and context of the claim that harassment, discrimination, or retaliation in the workplace has occurred.

Whenever possible, any employee who witnesses a violation of the personnel policies is required that violation to their supervisor or a Board member, in writing.

## Policy Set 4. Employee Types, Exempt-Nonexempt Classification, Work Schedules, Position Descriptions, & Performance Planning

### 4.01 Employee Types (approved 5/18 & 7/27 A&B Modified)

OE employee types are reflected in an employee's job description, which can be modified as needed, in consultation with the employee, depending upon direction and approval from the Water Engineer.

- (A) Full-time employees works 32 to 40 hours per week or 130 hours per month;
- (B) Part-time employees works less than 30 hours per week or less than 130 hours per month;
- (C) Term Employee works doing project work, extraordinary workload, scheduled cancellation of a position, reorganization, uncertainty of future funding. Term employees earn benefits and are hired for a limited term of service;
- (D) Contract employees works doing a specific project for a certain time-frame for a set fee, whose duties and benefits are defined by the contract; and
- (E) Volunteer employees works without compensation or for another organization and preforms duties on behalf of the Board and the OE, volunteer employees do not receive benefits.

#### 4.01 Fair Labor Standards Act (FLSA) Compliance (approved 5/18)

The OE intends to follow FLSA and intends to correct any unintentional violations once brought to the employer's attention as detailed below:

- (A) The OE prohibits improper payroll, time worked, or leave balance deductions;
- (B) Employees who believe an improper deduction has been made should contact their supervisor of the Board Chair to investigate any possible deductions made in error;
- (C) In the event an improper deduction was made, the OE will reimburse the employee for any improper deduction; and
- (D) In the event an improper deduction was made, the OE will make a good faith effort to correct future payroll deductions.

#### 4.02 Exempt and Non-Exempt Employee Classification

All employees will be classified as exempt or non-exempt in their position descriptions pursuant Federal CFR Title 29, Subtitle B, Chapter V, Subchapter A, Part 541. A job title alone is insufficient to establish the exempt status of an employee. The exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee's salary and duties meet the requirements of the regulations in this part. Classification documentation for each position will be a fundamental component of each position description.

##### (A) Non-Exempt & Exempt, Generally

**Non-Exempt employees** are subject to minimum wage and overtime pay requirements for hours worked over 40 in a workweek, in accordance with Federal and State Wage and Hour Laws.

**Exempt employees** are classified as such if their job duties are exempt from overtime pay and/or minimum wage requirements as determined by Federal and State Wage and Hour Law definitions.

##### (B) Compensation for Exempt Employees

As per Federal CFR 541.604 An employer may provide an exempt employee with additional compensation without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly-required amount paid on a salary basis.

An exempt employee's earnings may be computed on an hourly, a daily or a shift basis, without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly required amount paid on a salary basis regardless of the number of hours, days or shifts worked, and a reasonable relationship exists between the guaranteed amount and the amount actually earned.

#### 4.03 OE Position and Recruitment Authority (new section)

All FRWMB jobs and contracted services will be based on an approved job description.

All advertisements for jobs and contracted services will be based on an approved budget determination of available funds.

Positions and services will be advertised for a minimum of a two-week period in local resources.

Hard to fill positions and service recruitments may be expanded beyond the local recruitment.

OE communication to successful and unsuccessful applicants will be kept in the specific recruitment file. The OE will maintain job and or service recruitment files for a period of seven years including the public announcement, actual job applications, screening results, tests, if applicable and employee selection record.

#### 4.04 OE Position Descriptions (approved 7/13)

Position Descriptions provide a fundamental definition of each position at the OE. Position descriptions provide the outline for each employee's detailed annual workplan and set the sideboards for any promotion potential.

- (A) All new employees will review their position description during the first week of hire.
- (B) Each employee will have a position description that includes:
  - (1) position title, within position level ranking, and date of revisions;
  - (2) designation as FLSA exempt/non-exempt status;
  - (3) identification of the employee's supervisor;
  - (4) supervisory responsibilities and positions supervised if any;
  - (5) employee duty station and schedule;
  - (6) remote work plan, if applicable, including the amount and timing of remote work, remote work topics and plan, and remote work reporting requirements;
  - (7) job purpose statement;
  - (8) list of primary/essential duties and functions;
  - (9) list of secondary duties and functions;
  - (10) working conditions and physical requirements such as majority of work is performed in a standard office environment;
  - (11) list of general Personal Protective Equipment needed for the position;
  - (12) minimum qualifications for education and experience requirements; and
  - (13) signature affirming that the employee has met with the supervisor to read and acknowledge the position description.
- (C) Acknowledged position descriptions will be part of an employee personnel record.
- (D) Position descriptions are approved and finalized by the employee's supervisor.



#### 4.05 Work Schedules Allowed (approved 7/13)

Work Schedules are set by the supervisor and documented in the employee's position description. The OE recognizes Flexible Work Schedules and Fixed Work Schedules:

- (A) Flexible Work Schedules consist of workdays with (1) core hours and (2) flexible hours. Core hours are the designated period of the day when all employees must be at work. Flexible hours are the part of the workday when employees may (within limits or fixed periods) choose their time of arrival and departure. Within limits set by their supervisor, Flexible Work Schedules can enable employees to select and alter their work schedules to better fit personal needs and help balance work, personal, and family responsibilities. These are the standard work schedules for OE employees.
- (B) Fixed Work Schedules lack flexibility and are typically used when an employee has shown they need more structure in order to achieve their duties and responsibilities.

#### 4.06 Performance Assessments (approved 7/13)

Performance tracking is an important part of OE employee performance feedback, support, and correction when needed.

- (A) Written performance assessments will occur semiannually, in a standardized format, during an employee's probationary period and then once per year thereafter. A supervisor retains the right to more frequent performance assessments as needed. Performance assessments will include as-needed updates and review of:
  - (1) job performance;
  - (2) position descriptions;
  - (3) work plans;
  - (4) professional development plans; and
  - (5) performance promotion or performance improvement plans.
- (B) Performance assessments will include individual assessments of primary and secondary duties.
- (C) An employee may be requested to provide input toward the drafting of their performance assessments to be reviewed and finalized by the employee's supervisor.
- (D) Performance assessments become a part of an employee's personnel file.

#### 4.07 Action Regarding Reports Submitted Pursuant § 3.20 (updated)

The OE and/or the Board will attempt to investigate all written reports of harassment, discrimination, and retaliation thoroughly, to the fullest extent practicable. The OE will keep complaints and the terms of their resolution confidential; however, it cannot guarantee complete confidentiality to complete a thorough investigation. If an investigation confirms that a violation of this policy has occurred, The OE or the Board will take appropriate corrective

action including disciplinary action up to and including discharge of the OE employee determined to have committed the offense.

Following an investigation of any written complaint filed alleging a violation of this section, any employee found to have willfully exhibited inappropriate conduct or behavior against others may be subject to disciplinary action up to and including discharge pursuant § 4.09.

#### **4.08 Employee Discipline and Termination (updated)**

It is the policy of the OE and the Board that OE employees who fail to perform their jobs in a satisfactory manner or whose behavior interferes with or disrupts OE operations be subject to disciplinary action, up to and including discharge.

- (A) Disciplinary action may be administered for just cause;
- (B) Just cause means reasonable, job-related grounds for taking a disciplinary action based on failure to satisfactorily perform job duties, or disruption of agency operations. Just cause may include, but is not limited to:
  - (1) failure to satisfactorily perform job duties;
  - (2) failure or refusal to follow the written or oral instructions of a supervisor;
  - (3) neglecting job duties and responsibilities;
  - (4) engaging in unauthorized personal business during work hours;
  - (5) falsifying or misrepresenting OE or employment records;
  - (6) dishonesty or rudeness in dealing OE employees, Board members, agency partners, and/or members of the public;
  - (7) unexcused or excessive absenteeism;
  - (8) violation of an established OE standard, procedure, legitimate order, or policy;
  - (9) failure to meet applicable professional standards;
  - (10) criminal misconduct, wrongful discrimination or deliberate misconduct;
  - (11) deliberately providing false information on an employment application;
  - (12) willful damage to public or private property; and/or
  - (13) workplace violence, intimidation, and harassment.
- (C) Employee Discipline may include but is not limited to:
  - (1) informal discipline such as oral or email warnings, or
  - (2) formal discipline such as written warnings, suspension, or discharge.

The OE retains the right to determine what discipline may be imposed in each individual situation. The fact that the OE has or has not utilized any of these forms of discipline does not set any precedent and should not be relied upon in future disciplinary situations by any employee.

- (D) Formal discipline, when necessary, will be conducted as follows:

- (1) When formal disciplinary action is necessary, just cause, due process, and documentation, or other evidence of the facts are required.
- (2) In each formal disciplinary action, management shall give the employee a written notification that includes, but is not limited to:
  - (3) just cause or reason for the disciplinary action;
  - (4) disciplinary action to be taken;
  - (5) dates, times, duration, location;
  - (6) improvements/corrections expected;
  - (7) date and method by which improvements/corrections or lack thereof, will be evaluated; and
  - (8) consequences of failure to make improvements/corrections.
- (9) The employee's supervisor shall offer the OE employee the opportunity to review the notice of formal disciplinary action and to acknowledge its receipt by signing and dating the notice. The employee's signature does not necessarily mean the employee agrees with the disciplinary action. If the employee refuses to sign the notice, management shall make note of that fact.
- (10) The employee's supervisor shall offer the employee the opportunity to respond to the notice of formal disciplinary action, within three business days, either orally or in writing.

#### 4.09 Performance Improvement Plan

- (A) Disciplinary actions may be resolved through a performance improvement plan if the employee's supervisor and the employee agree to the resolution.
- (B) A performance Improvement plan includes, but is not limited to, the following:
  - (1) schedule of activities,
  - (2) list of remedies to the disciplinary action,
  - (3) accountability standard to ensure employee's adherence to the plan,
  - (4) clarification of results of failure to adhere to the plan, and
  - (5) signed acknowledgement form the supervisor, the employee, and the Board Chair or Vice Chair.

#### 4.10 Probationary Period (approved 7/13)

OE employees serve a probationary period as part of the new employee selection process. The probationary period is an opportunity for management to evaluate a newly hired employee's performance and for the newly hired employee to evaluate the OE. The probationary period concludes once the employee exceeds 1,040 hours in pay status with the OE, which typically

equates to six months for full-time employees. OE employees that are promoted or laterally transferred within the OE do not need to serve an additional probationary period.

During the probationary period, the employee may resign or be terminated by the OE without cause.

(A) In certain situations, an employee's probationary period may be reduced or eliminated as documented and determined by the Water Engineer; those circumstances include, but are not limited to:

- (1) The new hire holds a permanent status with the Federal, Tribal, State, or public service where they are currently employed before accepting a position with the OE;
- (2) The new hire is offered another position and the OE would like to incentivize the new employee to remain in the employment of the OE; or
- (3) Competitive hiring conditions require additional incentives to attract highly desired applicants to a specific position.

(B) A supervisor may extend an employee's probationary period up to an additional 1,040 hours in pay status with the OE due to performance issues. Probation period extensions will typically happen together with a performance improvement plan as set forth in [section 5.06](#).

(C) The supervisor shall make a reasonable effort during the probationary period to ensure the employee receives adequate training and coaching when appropriate for the requirements of the position. Before the end of the probationary period the supervisor will write a personnel memorandum covering one of the following areas:

- (1) Employee has successfully completed the probationary period; or
- (2) Employee's probationary period is being extended with deficiencies noted; or
- (3) Employee will be terminated by giving written notice to the employee with no reason given; or
- (4) Employee has voluntarily separated.

(D) Employees who are separated and/or terminated during the probationary period have no appeal rights under the OE's grievance procedures as set forth in [Policy Set 10](#). Termination by the OE during the probationary period shall not violate the OE's EEO and anti-discrimination/harassment policies.

#### 4.11 Permanent Status (updated)

(A) Once an OE employee successfully completes all phases of a probationary period, they are considered permanent.

(B) Permanent employees are entitled to all to go through OE disciplinary, performance

improvement, and grievance procedures if considered for disciplinary action, up to and including discharge.

(C) Permanent status entitles employees to be considered for promotion plans.

#### 4.12 Employee Promotion **Plan** (updated)

- (A) Employee promotions plans are initiated by the Water Engineer or the Board Chair.
- (B) Promotion plans resulting in pay increases must be assessed by the Water Engineer to be funded by the FRWMB budget and must be approved by the Board.
- (C) Employee promotion plans should be incorporated into an employee's position description and work plan and must document the employee's pathway to a potential promotions, which should include, but is not limited to:
  - (1) Designation of a training and promotion schedule;
  - (2) Itemizing and tracking of mandatory tasks that need to take place;
  - (3) Itemizing any tracking additional certifications, education, coursework or other trainings that need to occur in advance of the promotion; and
  - (4) Designating what will signify the completion or failure to complete a promotion plan.

(D) There are three types of Employee Promotion Plans:

- (1) Advancing the stage/level of complexity of an employee's current position.
- (2) Adding additional job classification/position complexity to an employee's current position; and
- (3) Advancing to new position.

#### 4.13 Employee **Awards**

(A) Outstanding Performance Awards

The OE and Board Performance Awards provide recognition for employees who have made significant achievements in the course of their work for the OE and the Board. All employees are eligible, and it is the supervisor's or Board member's responsibility to recommend employees deserving of an award to the Board. The consideration of performance awards will be conducted by the Board during a closed executive session, while the awarding of performance awards will be conducted at an open public meeting of the Board. Annual outstanding performance awards can include, when applicable:

- (1) FRWMB Employee of the Year Award (lump sum up to \$250);
- (2) Water Engineer's Employee Excellence Award (lump sum up to \$200);
- (3) Outstanding Field Work Award (lump sum of \$150);
- (4) The IT Crowd Award (lump sum of \$100); and/or

(B) Years of Service Awards

**Commented [TWM15]:** This needs considerable discussion including the career ladder explanation and organizational chart organization. Promotions also impact budgets -

**Commented [EM16R15]:** We can talk about it on 5/18

**Commented [EM17R15]:** 7/13

**Commented [EM18R15]:** 7/27

**Commented [gs19]:** When will annual awards be given? Do we need to establish a calendar date and specify that here?

**Commented [EM20R19]:** I prefer as needed/accomplishable schedule.

The OE will recognize years of service for every five years of service provided to the OE and the Board. Each employee will receive a gift signifying the employee's years of service.

**(C) Safety Awards**

The Water Engineer will recognize and encourage OE safety from time to time by providing safety awards to staff and, in some cases, Board members. Safety awards will serve both function and OE official logo/identifier for recognition for on-the-job use.

**Commented [gs21]:** I do not understand what this sentence means by brand recognition?  
**Commented [EM22R21]:** Hopefully improved language

**4.14 OE Personnel File (updated and moved section)**

The OE will keep a personnel file for each OE employee, which contains confidential information relevant to an employee's hire, performance, wages, payroll, benefits, emergency contact information, and other private personal information required for ongoing employment and performance tracking.

- (A)** Personnel files are the property of the Board and must remain in a secure, locked location as designated by the Engineer and Board Chair.
- (B)** Access to personnel files is limited to a need-to-know basis; access beyond the Engineer or the Board Chair requires explicit authorization by the Engineer or the Board Chair.
- (C)** Employees may view and copy their own personnel files upon written request to the Engineer or the Board Chair.
- (D)** Personnel files will be kept in a locked container if physical or password protected if digital. All efforts will be made to ensure confidentiality of paper or electronic records, though the most effective means possible.
- (E)** Separate files may be maintained for employees medical-related information, work-related injuries, and grievances. Access to these files is limited to authorized personnel on a need-to-know basis.
- (F)** Access to personnel files will be restricted from employees involved in any associated work-related injuries or grievances.
- (G)** Due to privacy standards and protected health regulations, the OE will use reasonable and appropriate safeguards to protect health information. Health information will be kept in a secure location, and it will only be accessible on a need-to-know basis for proper management and administration of the OE.

**Policy Set 5. Payroll, Time, Breaks, Travel, and Expense Reporting**

**5.01 Workweek and Pay Periods**

The OE defined workweek begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on the following Saturday. Time submission and payroll occur in two-week pay periods of which there are 26 per year that start every other Sunday and end every other Saturday.

## 5.02 Time Reporting and Pay Days

OE employees must accurately record and submit their hours on the OE provided bi-weekly pay period timesheet down to the ¼ hour or 15-minute level of detail. Hours worked and leave taken should be recorded at regular intervals not to exceed a weekly timeframe. The time record and OE timesheet tool is used to compute earnings and is kept as a permanent record.

Timesheets are submitted no later than Monday following the end of the pay period or Tuesday if Monday falls on a holiday. Pay transfers typically occur by the Friday of that week. Failure to submit timesheets on schedule may result in delayed pay transfer.

Hourly pay, mileage, per diem, and travel is typically paid through electronic deposit to an account specified by the employee at the time of hire.

Recording another employee's time or falsifying any time record is not permitted, and is cause for disciplinary action, up to and including discharge.

## 5.03 Breaks (moved)

On a typical workday, OE employees have access to paid, unpaid, and ½ paid breaks.

- (A) Paid Breaks: For each day of work, OE employees have two 15-minute-in-duration paid breaks, one of which is taken during the morning and one of which is taken during the afternoon. These paid breaks are paid at the employee base rate.
- (B) Unpaid Breaks: For each workday, OE employees are allowed an unpaid lunch break for a minimum of 30 minutes for the midday meal. The break can be extended if the employee does not have conflicting scheduled work. Taking an unpaid lunch break is not mandatory.
- (C) Wellness Breaks: Intermittent exercise is recognized by the OE to increase productivity in the office. Three times per week, on separate days, an employee may take up to 30 minutes of wellness break, during which they will be paid so long as the employee does some type of exercise that may include, but is not limited to:
  - (1) walking, jogging, running, etc.;
  - (2) stretching, yoga, Thai Chi, Pilates, etc.;
  - (3) weight training; calisthenics; conditioning; cross-fit; etc.;
  - (4) meditation; breathing exercises; etc.; and
  - (5) other activity as approved by your supervisor.

Wellness breaks must be recorded on the employee's timesheet and coded as admin and noted on the notes section. Failure to report wellness breaks may result in an employee being disallowed future wellness breaks by their supervisor. Wellness breaks may not conflict with work deadlines or meetings.

To use wellness breaks, the employee must describe their plan for wellness breaks in their annual workplan.

Employees are encouraged to match their 30 minutes of paid wellness break with a match of personal time.

#### 5.04 Overtime, Comp Time, & Required Authorization (updated)

Overtime refers to hours worked by an employee that are in addition to 40 hours per workweek in pay status. Overtime can provide an essential increase in work capacity during busy times when staff is limited. Overtime compensation can take the form of payment or comp time.

**Overtime Pay** is paid compensation for hours worked over 40 in a workweek that is paid at either 1 or 1.5 times an employee's base rate as per policies set forth in by §§ 5.05 and 5.06.

**Comp Time** is the earning of paid leave as compensation for hours worked over 40 in a work week that can be earned at 1 or 1.5 times and employee's base rate as per policies set forth in by §§ 5.05 and 5.06. Comp time accrued may be taken as paid leave, just like PTO. The OE maximum balance of Comp Time allowed is 180 hours unless specifically approved by the Water Engineer in writing, that includes a plan for the employee using excess comp time balances.

- (A) The OE does not guarantee an employee will be allowed to work time resulting in the payment of overtime or the accrual of compensatory time in lieu of overtime.
- (B) Overtime requires preauthorization, whenever possible. Preauthorization can be verbal, email, or other written form. Employees working overtime without approval risk forfeiture of compensation for hours worked of unauthorized overtime. Authorization to work overtime is provided by either the employee's supervisor, the Board Chair, or the Board Vice Chair in the absence of the Boar Chair.
- (C) OE employees may not earn overtime pay or comp time during a week in which they are using Comp Time, PTO, LWOP, or FLMA leave.
- (D) In circumstances where an employee's PTO/comp time balance approaches excess, the supervisor may prioritize overtime pay as compared to earning additional comp time.
- (E) Bi-weekly timesheets and payroll document overtime worked, formalize overtime approval, and track overtime balances and payment of overtime.

#### 5.05 Overtime for Non-exempt Employees (updated)

- (A) With the advance approval of their supervisor, a non-exempt employee may:
  - (1) earn additional pay at 1.5 times their base pay for the amount of overtime worked; or
  - (2) earn comp time at 1.5 times the amount of overtime worked if the employee

**Commented [RN23]:** This is not consistent with the legal definition of and Exempt Employee; Have legal provide citation on this.

**Commented [EM24R23]:** <https://www.flsa.com/coverage.html>

<https://erd.dli.mt.gov/labor-standards/wage-and-hour-payment-act/wage-payment-act>



has a written agreement in place as per §5.05 (B).

- (B) In accordance with the FLSA, OE employees classified as non-exempt will receive overtime compensation at a rate of 1.5 times the employee's regular hourly rate unless the OE and employee agree to the accrual and use of non-exempt comp time. Comp time agreements must be in writing and appended to the employee's job description and include authorization dates.

**5.06 Overtime for Exempt Employees (updated)**

OE employees classified as exempt are not protected under FLSA and the OE is not required to pay 1.5 times an employee's base rate for overtime. Due to periodic staffing shortages and a desire to provide consistent public services, the OE does voluntarily maintain the options to compensate employees for essential work needed by the OE in excess of an exempt employee's 40-hour workweek.

- (A) With the advance approval of their Supervisor, an exempt employee may:
  - (1) earn comp time at 1.0 times the amount of overtime worked; or
  - (2) earn additional pay at 1.0 times their base pay for the amount of overtime worked.
- (B) With the approval of the Water Engineer and the Board Chair or the Board Vice Chair in the absence of the Board Chair, an exempt employee may:
  - (1) earn comp time at 1.5 times the amount of overtime worked; or
  - (2) earn additional pay at 1.5 times their base pay for the amount of overtime worked.

**5.07 Travel, Mileage, and Lodging Rates**

For all OE employees, travel, mileage, and lodging rates shall follow those of State of Montana compensation rates as annually attached to this personnel policy in Addendum 03.

**5.08 Reimbursements – OE Purchases on Personal Credit/Cash/Debit Sources**

For all OE reimbursements for OE approved expenses, submission will be included on a biweekly pay period basis, along with payroll information, and including receipts and itemization and copies of respective procurement request/purchase orders.

**5.09 Final Pay**

In compliance with Montana law [MCA. §39-3-205(2)], when you voluntarily separate or are involuntarily terminated prior to payday, your final pay will be issued on the next regularly scheduled payday, or within 15-days from the date of the actual separation, whichever occurs first.

**Commented [RN25]:** This is not consistent with the legal definition of and Exempt Employee; Have legal provide citation on this.

**Commented [EM26R25]:** <https://www.flssa.com/coverage.html>

<https://erd.dli.mt.gov/labor-standards/wage-and-hour-payment-act/wage-payment-act>

**Commented [gs27]:** Do we need to also cite CSKT policy here?

**Commented [EM28R27]:** I don't know what that policy is

## Policy Set 6. OE Employee Leave Benefits

### 6.01 Types of Leave

- (A) Paid Holiday Leave
- (B) Paid Time Off (Annual and Sick Leave Combined)
- (C) Administrative Leave
- (D) Family Medical Leave Act Leave
- (E) Victims of a Crime Leave
- (F) Bereavement Leave
- (G) Jury and Witness Duty Leave

### 6.02 Paid Holiday Leave (approved 5/18)

- (A) The OE and the Board recognizes the following paid holidays (8 hours):
  1. New Year's Day (January 1)
  2. Birthday of Dr. Martin Luther King, Jr. (Third Monday in January)
  3. President's Day (Third Monday in February)
  4. Memorial Day (Last Monday in May)
  5. Juneteenth National Independence Day (June 19)
  6. Independence Day (July 4)
  7. Labor Day (First Monday in September)
  8. Indigenous Peoples' Day (also Columbus Day) (second Monday in October)
  9. Veteran's Day (November 11)
  10. Thanksgiving Day (Fourth Thursday in November)
  11. Christmas Day (December 25)
  12. Employee Floating Holiday (taken at employee's preference)
- (B) Employee Floating Holiday allows a one-day holiday per employee per fiscal year and must be scheduled and approved by the Water Engineer in advance.
- (C) If any of the holidays fall on a Sunday, the Monday following is a holiday. If any of the holidays fall on a Saturday, the Friday preceding is a holiday.
- (D) To be eligible for paid holiday leave, an employee must be in work status or be on approved paid leave status. Employees on an unpaid leave of absence will not receive paid holiday leave.
- (E) Paid holiday leave hours are granted based on the percent of a full-time schedule an employee is scheduled to work during the week that the paid holiday occurs, regardless of whether the employee is specifically scheduled to work on the actual day of the week upon which the paid holiday falls. Paid holiday hours are granted and are prorated based upon the percentage of a full-time schedule the employee works.
- (F) Each hour of paid holiday leave is paid at an employee's regular hourly rate during the

time upon which the paid holiday occurs.

- (G) No work shall be performed on a holiday unless authorized by the Water Engineer or the Board Chair or Vice Chair.
- (H) If an employee, exempt or non-exempt, works on a holiday, the employee will earn their regular hourly compensation, plus paid holiday leave for which they are eligible.

**6.03 Paid Time Off (PTO) (A-F approved 6/6)**

OE employees earn paid time off (“PTO”) that incorporates annual and sick one accrual. This plan is applicable to all full-time, part-time, and term employees whose employment agreements include accrual of PTO.

- (A) Employees begin accruing PTO on their start date with the OE unless otherwise specified by their employment agreement.
- (B) PTO accrual is calculated and credited each bi-weekly pay period. Accrual is based on both the total years of service and the time paid at the regular rate in a pay status.
- (C) PTO accrual is based on an employee’s regularly scheduled hours when the employee is in pay status; PTO does not accrue on any time designated as overtime, comp time, approved unpaid leave, or leave without pay.
- (D) Employees with a pay status less than 80 hours in a bi-weekly pay period accrue PTO on a pro-rated basis unless otherwise specified by their employment agreement.
- (E) PTO accrual rates are defined by table below:

**OE PTO Leave Accrual Rates**

Years of Full-Time Service	Hours / Hour Worked	Hours/ Week	Hours/ Pay Period	Hours/ Year	Days/ Year
<3 years	0.1000	4	8.0	208.0	26.00
3 to 6 years	0.1075	4.3	8.6	223.6	27.95
6 to 9 years	0.1200	4.8	9.6	249.6	31.20
9 to 12 years	0.1250	5	10.0	260.0	32.50
12 to 20 years	0.1325	5.3	10.6	275.6	34.45
>20 years	0.1450	5.8	11.6	301.6	37.70

- (F) Determination of full-time years of service pursuant to the above table:
  - (1) Years of service are determined with one year of service for each period of 2,080 hours of service following the initial date of employment with the OE.
  - (2) Employees may receive Years of Full Time Service credit for years of service for previous public employment when the previous employer was Tribal, State, or Federal. Previous public employment qualifies when the previous employing agency was a constituted department, board, or commission of state, county, or city government. Previous work for Tribal Colleges and the

University Systems is also eligible.

- (3) Previous service should be for work performed that is similar or integrally related to the employee's OE position description, as determined by the Water Engineer. Exceptions to this limitation may be approved by the Board.
- (4) Credit for previous employment toward an employee's calculation of Years of Full Time Service are added to an employee's hours accumulated at the OE, enabling some employees to meet increases of PTO accrual based on Years of Full Time Service thresholds sooner.
- (5) Employees must produce documentation of previous eligible employment to receive credit for years of service. Documentation must contain hours worked and be sourced from past payroll or personnel documents from the previous employer. All uses of previous eligible employment used for credit towards years of service must be approved by the Engineer or the Board Chair and the approval must be documented in the employee's personnel file.
- (6) Employees begin earning leave at the adjusted rate the first day of the next pay period following the receipt of documentation for previous eligible service. Leave balances and accrual rates may not be adjusted retroactively.

**(G) Use of PTO**

- (1) The use of PTO for vacation and personal leave must be approved by your supervisor. Requests for use should occur as much in advance as is practicable, but no less than 48 hours in advance. PTO requests for periods longer than three days must be approved in writing; OE digital calendar invitation acceptance by the employee's supervisor constitutes written approval.
- (2) PTO cannot be used during the same pay period in which it is accrued.

*Example:* if an employee has a zero balance of PTO when starting pay period #2, they cannot use any of the PTO accrued during hours worked in pay period #2 during pay period #2; those hours would not be available to use until pay period #3. The amount of PTO that could be used during pay period #3 will be limited, in this case, to those PTO hours earned during pay period #2. and used in the same pay period. PTO cannot be used before it is accrued.

**(H) Maximum Accrual and Carry-over Limits**

- (1) Employees may accumulate PTO balances up to three times the eligible accrual rate per year. Balances exceeding the two times annual PTO accrual are considered "excess." Except as provided in this policy, excess PTO will be forfeited unless used within 90 calendar days from the last day of the calendar year in which the excess leave was earned.

- (2) The Water Engineer is responsible for actively managing PTO for all employees by providing reasonable opportunity for an employee to use rather than forfeit accumulated PTO. To avoid forfeiture of PTO, the Water Engineer is encouraged to work with employees who have excess PTO balances as early as possible in the 90-day grace period or at an earlier time if the employee's leave balance is projected to exceed two times the annual PTO accrual rate.
- (3) Employees are responsible for making a reasonable written request to use excess PTO during the 90-day grace period. The Water Engineer may approve all, some, or none of the employee's PTO request by written response within five working days from the receipt of the request. If the original request is not approved, the supervisor and the employee may negotiate alternate leave dates during the 90-day grace period.
- (4) If the Water Engineer denies all or any portion of the written request, the Water Engineer and the employee must work together to ensure that the employee may use the excess PTO before the end of the calendar year. Any excess PTO not used by the end of the calendar year in which the grace period was extended must be forfeited unless the Water Engineer and the employee can agree to an excess leave use plan that is formally acknowledge and added to the employee's personnel file and enacted pursuant the terms of the plan.

**(I) PTO payouts**

- (1) PTO includes both annual and sick leave combined. For purposes of calculating PTO payout, however, the OE allocates 12 days per year or 96 hours of an employee's PTO as sick leave, regardless of years of full-time service, which is paid out at 50% of an employee's base rate. The remaining PTO is paid out at 100% of an employee's base rate. The table below sets PTO payout rates based on years of full-time service. Determination of years of full-time service is defined in (F) above.

**OE PTO Payout Rates**

<b>Years of Full-Time Service</b>	<b>PTO Hours/Year</b>	<b>Sick Leave Hours/Year</b>	<b>Annual Hours/Year</b>	<b>PTO Payout Rate (% of Base Pay)</b>
<3 years	208	96	112	76.92%
3 to 6 years	223.6	96	127.6	78.53%
6 to 9 years	249.6	96	153.6	80.77%
9 to 12 years	260	96	164	81.54%
12 to 20 years	275.6	96	179.6	82.58%

>20 years	301.6	96	205.6	84.08%
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- (2) PTO payouts in lieu of leave may be used in circumstances where an employee is at risk of forfeiting PTO due to the maximum accrual policy set forth above and both the employee and the Board approve the payout in lieu of leave and document the event, including hours converted to payment, in the employee’s personnel file.
- (3) Upon ending employment with the OE, and employee’s hourly balance of unused PTO will be paid out as per (i) above.

**Commented [RN29]:** I believe the State payout rate is 50%; need to confirm.

**Commented [EM30R29]:** MT pays 100% for annual and 25% for sick leave balances upon exiting state employment. Excess comp time is typically taken at 100% before leaving.

**6.04 Administrative Leave (updated)**

Administrative leave is a type of paid leave that temporarily relieves an employee of their normal job responsibilities, but they continue to receive regular pay and benefits. Administrative leave can be authorized by the Water Engineer, the Board Chair, the Board Vice Chair, or the Board as a whole. Administrative encompasses an array of different uses that include, but are not limited to:

- (A) OE closure due to weather, safety, or health concerns,
- (B) OE closure due to staffing, training, or meeting issues,
- (C) Temporary cessation of duties as required to investigate allegations of misconduct, or to remove an employee from the workplace pending assessment.
- (D) Employee leave granted for voting during Election Day, which may include up to 3.0 hours of administrative leave scheduled by supervisor.
- (E) Leave used for wellness pursuant § 5.01(C).

**6.05 Family Medical Leave Act**

Pursuant to federal law, as a public agency, the OE adheres to the Family Medical Leave Act. The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

- (A) Eligibility – to be eligible for FMLA leave, the employee must have:
  - (1) worked for the OE a minimum of 12 months, which need not be consecutive or served just prior to taking leave; and
  - (2) been in a pay status with the OE for at least 1,040 hours during the 12-month period immediately preceding the commencement of leave.
- (B) Loss of Eligibility – an employee’s eligibility and protection under the FMLA end when:
  - (1) an employee gives the OE or the Board unequivocal notice of the employee’s intent not to return to work;

- (2) the employee exhausts all FMLA leave benefits for the covered periods; or
  - (3) the employee exhausts all FMLA leave and is unable to return to work.
- (C) Basic FMLA Leave: Eligible employees may take up to 12 workweeks of FMLA leave within a 12-month period for certain types of family and medical leave. The 12-month period begins on the first day an employee takes FMLA leave. Eligible employees may use leave for one or more of the following FMLA-qualifying reasons within the 12-month period:
- (1) the birth of a child and to care for the newborn child within one year of birth;
  - (2) the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - (3) to care for the employee's spouse, child, or parent who has a serious health condition;
  - (4) a serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - (5) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty or notified of an impending call or order to covered active duty.
- (D) More information about FMLA may be obtained here and the language in the FMLA takes precedence on defining the terms of FMLA enactment:  
<https://www.dol.gov/agencies/whd/fmla>
- (E) Employee FMLA Leave Obligations: an employee requesting FMLA leave must provide:
- (1) at least a 30-day advance oral or written notice of the need to take FMLA leave when the need is foreseeable;
  - (2) or timely notice, as soon as possible and practical, when the leave is not foreseeable;
  - (3) sufficient information for the employer to understand the leave is for an FMLA-qualifying reason.
- (F) Employee notice of need to take FMLA must include enough information for their EO supervisor to determine whether the FMLA leave request is qualifying. This might include or explain that:
- (1) a medical condition renders them unable to perform the functions of their job;
  - (2) they are pregnant;
  - (3) they have been hospitalized overnight;
  - (4) they or a covered family member are under continuing care of a healthcare provider;

- (5) the leave is because of a qualifying exigency caused by a military member being on covered active duty or notified of an impending call or order to covered active duty; or
  - (6) the leave is for a family member unable to perform daily activities, or the family member is a covered service member with a serious injury or illness.
- (G) Calling in “sick” without providing the reasons for the needed leave will not be considered sufficient notice for FMLA leave under this policy.
- (H) Employees are expected to respond to the EO’s questions to determine if absences are potentially FMLA-qualifying.
- (I) FMLA does not provide paid leave but can be used in conjunction with and concurrently with paid leave such as a balance of PTO or comp time. The use or non-use of paid leave does not affect FMLA timelines or extend the amount of leave provided under the FMLA.

#### 6.06 Bereavement Leave (approved 7/13: 4 to 1)

If an employee suffers a death within their immediate family, they may be granted up to 30 hours paid leave to make funeral arrangements or attend the funeral or other needs.

- (1) Immediate family includes: Mother (including step), Father (including step), Spouse/Significant Other/Domestic Partner, Siblings (including step), Children (including step), Grandparents, In-laws (Mother, Father, Sibling, Child), Grandchildren, Special consideration may be given to others at the approval of the Water Engineer.
- (2) Bereavement time will not be deducted from accrued PTO.
- (3) An employee will need to provide their supervisor with a copy of the notice of services or other documentation of the death.

#### 6.07 Jury and Witness Duty Leave

Full time employees will be paid for necessary time off, up to a normal workday for each day they serve on a jury or as a witness.

- (A) Employees are required to turn over allowances they receive from the court to OE.
- (B) To qualify for jury, witness duty leave, or subpoenas, employees must submit a copy of the summons to serve as soon as it is received. In addition, proof of service must be submitted when the period of jury or witness duty is completed.

#### 6.08 Victims of a Crime Leave

In accordance with MCA 46-24-205, an employee who has been a victim of (or witness to) a crime, or who is an immediate family member of a victim is welcome to request leave (absences from work) to attend and cooperate with the judicial proceedings. The OE is aware that the employee may request support from law enforcement or a prosecuting attorney to



communicate the need for such absences from work, if necessary. If employees have any questions about this leave or whether it applies to their circumstances, they should contact their supervisor.

#### 6.09 Paid Volunteer Service

Upon approval of the Board Chair or Vice Chair, OE staff may engage in volunteer services to be compensated at their regular pay and benefits rate. Approved paid volunteer service time will be coded as administrative leave.

**Commented [TWM31]:** Same comment as above, who will be staffing the office and doing the work..

### Policy Set 7. Other OE Employee Benefits

#### 7.01 Health Benefits [Pending]

OE employees are offered health insurance for themselves and their families.

#### 7.02 Life Insurance and Disability Insurance [Pending]

OE employees are offered life insurance and disability insurance.

#### 7.03 Retirement (updated)

OE full-time and part-time employees can enroll in the Montana Public Employee Retirement System (PERS) as is allowed by Board Resolution #frwmb 03(2023). The following apply:

- (A) New OE employees must wait **???** or 6 months before enrolling in the OE's PERS.
- (B) Contributions: Contribution maximums are equivalent to IRS maximum contributions allowable for an employee 457(b) retirement account.
- (C) Employer Match: The Board and the OE will match employee contributions at a 1 to 1 rate for up to 6% of the employee's annual salary.
- (D) Vesting: Employees are immediately vested at 100% of the Board and OE match as set forth in (D) above.

#### 7.04 Flathead Indian Reservation Exploration Benefit (updated)

The OE recognizes that familiarity of the Flathead Indian Reservation are substantial benefits to the effectiveness of an employee's work and as such the OE provides equitable supplements to encourage OE employees to recreate and explore the Reservation on their own time, in addition to their work duties and assignments. All OE employees are entitled to one of two benefits designed to encourage exploration of the natural resources on the Flathead Indian Reservation to promote learning and understanding.

**Commented [TWM32]:** I do not agree with this benefit. We are not mandated to provide this and our budgets are still not totally set.

**Commented [EM33R32]:** I've tried to add language that helps explain the rationale for this proposed benefit.

- (A) OE staff that require annual Flathead Indian Reservation use permits, such as recreation or conservation licenses, as purchased through the Tribes or Montana Fish, Wildlife, and Parks, may purchase those permits and submit them to the OE for reimbursement.
- (B) OE staff that do not require Flathead Indian Reservation use permits, as set forth in (A), may be reimbursed for an equivalent annual amount in fuel and travel expenses to

provide comparable benefit to apply toward exploration.

(C) In order to receive reimbursements as per (A) & (B) above, OE employees must:

- (1) Submit receipts for license, fuel, and travel expenses and
- (2) Provide a brief essay describing their facilitated adventures at a forum to be chosen by the Water Engineer.

## Policy Set 8. Employee Grievances

### 8.01 Grievance Defined

Grievance means a complaint or dispute initiated by an employee regarding the application or interpretation of written laws, rules, personnel policies, or procedures which adversely affects the employee. Examples of actions that might be appealed in this process include disciplinary actions, discharge, layoff, or a change in working conditions. An OE employee pursuing such a grievance must present a written statement to their supervisor within 10 days after he or she is informed of the action for which they feel aggrieved. The written statement will contain the facts the employee believes should be considered and shall state the resolution the employee believes is appropriate.

### 8.02 Employee Grievance Procedure

If an employee has a problem or complaint, the employee may present a written statement of his or her complaint, problem, suggestion, or grievance to their supervisor within 10 business days of the incident that prompted the concern. If the situation is not resolved or the employee is uncomfortable taking the issue to their supervisor, they may contact the Board Chair or Vice Chair who will consider the written statement and take such action as deemed appropriate.

### 8.03 Employee Grievance Documentation

FRWMB members or staff receiving a written complaint from an allegedly aggrieved employee will issue a written response within 7 days of receiving the written statement and document. The complaint and the response will be stored at a location that is locked to maintain personnel privacy. Copies of the complaint and the response must be provided to both the allegedly aggrieved and alleged offender.

### 8.04 Employee Grievance Hearing

FRWMB members or staff receiving a written complaint from an allegedly aggrieved employee will offer a hearing to both the allegedly aggrieved and alleged offender. The hearings process will follow the standard hearing process provided for the FRWMB or the Water Engineer respectively. The FRWMB members or staff receiving the written complaint shall serve as the hearing examiner if reasonably practicable, or provide for an alternative hearing examiner that lacks, on the surface, bias or conflict for the issue being heard. The hearing examiner may render a decision or offer some other options for resolving the grievance if such an option is

**Commented [TWM34]:** We need an established form that is part of the employee handbook.

**Commented [EM35R34]:** There is no handbook, nor plans to have one. I don't see why an employee can't just submit a letter of grievance as our entire staff are professional level writers.

agreeable by allegedly aggrieved employee and the alleged offender. If possible, two levels of review are recommended.

#### 8.05 Grievance Resolved

If the hearing decision is not satisfactory to either the allegedly aggrieved or alleged offender, they must present a written statement to the Board Chair or Vice Chair within 10 days after he or she is notified of the hearing decision. The written statement will contain the facts the employee believes should be considered and shall state the resolution the employee believes is appropriate. The Board Chair or Vice Chair shall consider and advise the allegedly aggrieved or alleged offender of the final decision regarding the employee's complaint or grievance within 30 Personnel Records and Employee Privacy

### Policy Set 9. Separation and/or Termination of Employment:

#### 9.01 Resignation

The OE asks that OE employees working for the Water Engineer to give two weeks written notice of intention to leave their job and resign; such notice will be accepted by the Water Engineer and the Board. The Board asks the Water Engineer to provide one month's notice. The OE reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant such action.

#### 9.02 Exit Interview

When an employee voluntarily resigns, the employee's supervisor will schedule an exit interview on or close to the employee's final day of employment to discuss the reasons for leaving and general resignation procedures. At the exit interview, the employee should provide an address for sending future benefits and tax information.

#### 9.01 OE Property

At or before the exit interview, and before issuing the final check, the employee must return including without limitation, all OE property in the employee's possession, including but not limited to: documents, files, records, manuals, information stored on a personal computer or on a data storage device, supplies, OE identification badges; keys; tools; uniforms; books or manuals; computer or office equipment; parking passes; or OTE cars, field equipment, and credit cards. An existing employee will be required to sign a property release document as part of picking up a final check.

**Commented [TWM36]:** Should the board do the exit interview? Will the results of the exit interview be made available to the Board?

**Commented [EM37R36]:** The Board does the exit interview for the Water Engineer.

## Policy Set 10. OE Workspaces (updated)

### 10.01 Ergonomics

The OE is concerned with OE staff ergonomics and healthful work environments. Encouraged and provided items to promote this include, but are not limited to:

- (A) Adjustable height office workstations with ergonomic chairs and posable monitors,
- (B) Lighting solutions that accommodate routine operations,
- (C) Appropriate alternative seating as needed,
- (D) Stress reducing mats/rugs at workstations, and
- (E) Other less specific solutions needed to accommodate OE employee ergonomics that includes reasonable accommodation of unique body issues brought to the attention of the OE.

### 10.02 Cleaning Products

As much as is practicable, the OE will use non-toxic and low fragrance cleaning products and supplies, typically procured by OE staff.

### 10.03 Break Space

As much as is practicable, the OE will provide the following for staff for meals needed during working hours, either self-provisioned or OE provided:

- (A) Dining appliances such as toaster oven, microwave, refrigerator, dishes, and dish cleaning supplies,
- (B) Tables and chairs for staff meals,
- (C) Water cooler and vessels, and
- (D) Acknowledging the benefits of a caffeinated work-force and the reality that Board members, public, and clients all drink from the OE coffee pot, the OE will provide coffee resources as an office incurred expense.

### 10.04 Breastfeeding

The OE will provide reasonable break time for an employee, client, or Board member to express breast milk for their nursing child each time such employee has need to express the milk. Breast feeding employees are entitled to a place to pump at work, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. For OE employees, breast-feeding areas will be cultivated in cooperation with the breast-feeding employee and the Water Engineer.

### 10.05 Inspections and Searches

The OE is concerned with preventing theft of OE property, with controlling the workplace and promoting the safety of its employees and others on the premises. The OE may search any employee's work area including desks, file cabinets, closets, and computer files or any other OTE

owned equipment or property. Employees are encouraged not to bring any item of personal property into the workplace that they do not want revealed to the organization.

#### 10.06 Overnight Office Use

At the discretion and approval of the Water Engineer, OE staff may be allowed to stay overnight at the OE's physical address.

- (A) Viable reasons include, but are not limited to:
  - (1) Reducing OE lodging reimbursements dues to evening or late work in the area,
  - (2) Ongoing work projects demand monitoring,
  - (3) Early morning assignments that are incompatible with morning commutes, and
  - (4) Inclement weather is causing travel safety concerns.
- (B) Access is restricted to the employee or at the discretion and approval of the Water Engineer.
- (C) Use may not interfere with normal day-to-day operations of the Office.
- (D) Absence self-maintaining of the facilities, the employee may be held responsible for expenses incurred due to use, such as additional cleaning or property damage/use expenses.

#### 10.07 Accommodation (moved)

Upon receiving a written request that includes the nature of a request and the reason an accommodation is needed, the OE may provide employees reasonable accommodation for any mental or physical disability or religious belief/practice, etc., so long as the reasonable accommodation does not incur undue hardship for the OE. Reasonable accommodation does not mean the elimination of any essential functions of the job.

#### 10.08 ADA Compliance [Pending]

#### 10.09 Telework (updated) (moved)

Telework is a work arrangement where a designated employee may work from an approved, designated alternative worksite(s) one or more days per week, instead of physically traveling to the OE physical address.

- (A) The use and approval of telework is at the discretion of the OE supervisor. The OE may establish telework as a condition of employment.
- (B) A telework agreement is required when telework is expected to last longer than two weeks and shall include:
  - (1) designation of a primary worksite;
  - (2) designation of duration of arrangement;
  - (3) designation of communications expectations

- (4) designation of core work schedule during telework;
  - (5) work and performance reporting plan and evaluation schedule;
  - (6) telework agreement terms of termination; and
  - (7) documentation of OE property to be used at the worksite.
- (C) Telework eligibility will be based on:
- (1) the role and function of the employee;
  - (2) the needs of the OE; and
  - (3) the availability of a designated and suitable alternative worksite(s).
- (D) Approved telework does not affect an employee's compensation, benefits, insurance, retirement, and contributions to voluntary retirement savings plans.
- (E) Employee Responsibilities:
- (1) A teleworking employee and all teleworking agreements shall comply with all applicable OE policies and procedures. This requirement includes the Fair Labor Standards Act (FLSA) and Montana wage and hour laws.
  - (2) Employees shall not use telework in place of leave when unable to perform work.
  - (3) Employees must follow applicable leave policies for leaves of absence during telework hours, the same as when working at the office.
  - (4) A teleworking employee is responsible for meeting performance expectations and standards and maintaining satisfactory work performance at equivalent or higher levels as compared to the employee's time spent at the central worksite.
  - (5) Employees may not perform personal activities, including dependent-care activities, doctor's appointments, or other personal errands, during scheduled telework time.
  - (6) During core work hours of the telework schedule, a remote working employee must be contactable by co-workers, supervisors, the Water Engineer, and the Board. A teleworking employee must notify assigned office staff and/or the employee's supervisor if the employee leaves the designated alternative worksite during work hours, the same as when working at the office.
  - (7) Unless otherwise indicated in this policy or as explicitly authorized by the supervisor, the teleworking employee is responsible for supplies and expenses (i.e., operating costs) necessary to perform telework at the designated alternative worksite, including but not limited to internet and telephone connection equipment and costs. Approval must be received from a supervisor for any expenses that may be incurred for which the employee seeks reimbursement.

- (8) The teleworking employee is responsible for establishing and maintaining a safe, suitable, and distraction-free work environment at the employee's designated alternative worksite and/or any other temporarily approved telework location. A teleworking employee must attest to the suitability of the employee's designated alternative worksite prior to the worksite being approved by the supervisor and HR representative.
- (9) Unless approved for use, in-person business meetings may not be held at the designated alternative worksite. When teleworking, meetings should be conducted via video conference, phone conference, or other applicable technology.
- (10) A teleworking employee must work with the employee's supervisor to arrange access to any confidential or sensitive information necessary to perform work while working at the designated alternative worksite. A teleworker is responsible for protecting the privacy and confidentiality of data and information at the telework location, which includes compliance with enterprise security policies. A teleworker must ensure the security of data and information that is transported to and from the central worksite, designated alternative worksite, or any other telework location.
- (11) Any insurance for OE-owned equipment is the responsibility of the OE and the Board. The OE is not responsible for insuring the designated alternative worksite. The teleworking employee is responsible for purchasing personal insurance for employee-owned equipment and for the designated alternative worksite, if desired. The agency is not responsible for any loss or damage to any employee-owned equipment.
- (12) A teleworking employee is responsible for promptly notifying the employee's supervisor of an equipment malfunction, failure of either state-owned or employee-owned equipment needed to complete assigned work, or connectivity issues. If the malfunction prevents the employee from performing assigned tasks, the employee must notify the supervisor immediately, and the employee may be assigned to another project and/or work location. An employee may use available PTO, comp time, or unpaid leave until the employee is able to return to working productively.
- (13) If the OE physical office is closed, any employee scheduled to telework is expected to work as normally scheduled, unless otherwise notified by the supervisor.

## **Policy Set 11. Workplace Safety**

Maintaining a safe work environment requires the continuous cooperation of all OE employees. The OE strongly encourages employees to communicate with fellow employees and their supervisor regarding safety issues.

### **11.01 OE Safety Officer Assignment**

The Water Engineer shall assign a safety officer that will work with the Water Engineer and other OE staff to provide for safety planning and implementation as set forth in **§ 13.02**.

### **11.02 OE Safety Planning**

The Water Engineer and the Safety Office shall provide for the following:

- (A) An Emergency Action Plan,
- (B) An Office and Field Security Plan,
- (C) An Emergency Equipment and Personal Protective Equipment Procurement Plan,
- (D) Safety Training Plan, and
- (E) Accident Reporting Forms including First Report of Injury.

### **11.03 Worker's Compensation Insurance**

The Board and the OE shall carry and keep current Worker's Compensation insurance for OE staff; all employees are covered by that Workers' Compensation Insurance that provides coverage and protection in accordance with the State's workers' compensation law. The Board and the OE shall adhere to all applicable worker's compensation laws.

### **11.04 Work Accident Reporting**

Any work-related accident which occurs on the job, no matter how minor, must be reported immediately to your supervisor. The supervisor and employee will complete a First Report of Injury as soon as possible, and no later than 24 hours from the time of injury, even if there are no apparent injuries at the time. Employee Incident Report forms are available in every OTE vehicle and from every supervisor. Failure to report accidents is a serious matter as it may preclude an employee's coverage under Workers' Compensation Insurance.

Upon receiving notice of an injury, the Water Engineer will complete provide a copy of the First Report of Injury Form to the Board Chair and Vice Chair and, if needed, to the Human Resource or Company Designee. Reportable accidents (those requiring medical attention or with lost workdays) will then be submitted to the worker's compensation carrier and entered as "Recordable" in the OSHA log, if required.

Employees suffering a loss time injury on the job must have written authorization from a physician stating that employee can perform the normal duties of the position, with or without reasonable accommodation, and or restriction before returning to work.



Time off for days not worked or resulting in partial days, or an intermittent work schedule will be coordinated under the terms of the personnel leave policies.

#### 11.05 OSHA Compliance

The OE is committed to safety in all areas of the organization and our goal is to comply with the Montana Safety Culture Act and the Occupational Safety & Health Act of 1970 (“OSHA”). These Acts require employers to provide a safe and healthful working environment and that employees comply with occupational safety and health standards and all rules, regulations, and orders contained within the Acts, which are applicable to their own actions and conduct.

- (A) The OE and the Board believe that safety must function as an integral part of, and in no manner separate from, the operation of the OTE. In recognition of this, employees are expected to:
  - (1) maintain a safe and healthful working environment and to comply with OE policies;
  - (2) consistently adhere to proper operating practices and procedures, which are designed to prevent injury, illness, and loss of assets;
  - (3) comply with the requirements of federal, state, tribal and local safety, and health codes to insure the wellbeing and safety of all employees; and
  - (4) attend and participate in training and education opportunities.
- (B) Employees may receive training on the use of equipment, proper and safe operating procedures, and site/task specific job functions. Periodic safety training sessions may be conducted to maintain employee awareness.
- (C) All employees are responsible for exercising maximum care, good judgment, and shall comply with established procedures in operating safely and preventing accidents.
- (D) Unsafe conditions, equipment, or practices shall be reported to the supervisor immediately.
- (E) Each employee is expected to abide by all safety rules and procedures, shall wear all personal protective equipment required and provided by the employer, and attend training sessions when scheduled. Failure to attend will result in disciplinary action up to and including discharge.

#### 11.06 Vehicle Policies [Pending]

### Policy Set 12. Use of OE IT (section moved)

#### 12.01 Personal Cell Phone Reimbursement Agreements (updated)

Many OE employee functions require the use of smart phones and OE employees are expected to bring their own smart phone and service and will receive a stipend to assist them with paying their cell phone bills. Smart phone means a cellular phone or other

mobile device built on a mobile operating system and possessing advanced computing capability.

- (A) OE employees are expected to have a smart phone to perform the following specifics, along with other essential functions not listed:
  - (1) Soft token identification verification for state and/or Tribal databases;
  - (2) Soft token identification verification for OE computers and OE accounts;
  - (3) Emergency contact for field and off-site assignments;
  - (4) Field mapping and GPS function; and
  - (5) Remote work connections and call forwarding of OE phone system.
- (B) OE employees receiving a stipend are not required to submit to OE access, control, or monitoring of an individual's cell phone, nor does an agreement allow the OE to share your cell phone number to clients outside the organization.
- (C) Full-time OE employees will receive a \$30 smart phone stipend/pay period for 24 of 26 of the total pay periods per year; reimbursements will occur through electronic transfer along with pay roll direct deposit transfers.
- (D) Part-time OE employees may receive a prorated or lesser smart phone stipend at the discretion and approval of the Water Engineer.
- (E) OE employees not wishing to bring their own device and receive a stipend must submit, in writing, to the Water Engineer a request for an alternate smart phone arrangement to be considered at the discretion of the Water Engineer.

#### 12.01 **Sync with OE IT Restrictions**

OE Employees, the public, relatives, or anyone else is not allowed to "sync" OE computers or electronic devices with personal devices, unless written permission from a supervisor has been provided in advance. This includes any wired connection that allows for the transferring data.

#### 12.02 **OE Employee Cell Phone Number Privacy**

Regardless of whether an employee has a smart phone reimbursement agreement, the OE and Board will strive to avoid distribution or sharing of OE staff cell phone numbers outside of the OE organization. The OE has and will maintain alternative methods of interacting with clients and the public.

#### 12.03 **Office Phones, Email, and other Communications**

- (A) Voicemail / Automatic Email Responses:
  - (1) Greetings: Employees are expected to prepare a polite-mannered greeting/response on their individual OE systems.
  - (2) Voicemails and emails are considered OE records. While system passwords are intended to limit access to authorized people only, they are accessible by

authorized management, meaning, employees should not expect privacy regarding voicemail or emails.

- (3) Employees with voicemail and email in-boxes should respond to all inquiries as promptly as possible with the guidance of their supervisor if needed.
- (B) System monitoring: Employees who regularly communicate with the public may have their telephone conversations and/or emails monitored or recorded. This monitoring is normally used to identify and correct performance problems through targeted training and to ensure high-quality customer service.
- (C) Personal calls and personal emails: Although it is recognized that an employee may need to use the telephone or email for personal reasons, it is expected that good judgment will be used in limiting the length and frequency of such actions. Additionally, no personal calls that incur a charge may be made on any OE phones without prior approval from a supervisor.
- (D) Prohibited uses: Use of OE telecommunications systems and email to make or send fraudulent, unlawful, or abusive calls or messages is prohibited.
- (E) OE employees are to report to their supervisor any threatening, intimidating, or harassing telephone calls or email messages received or unusual information that may demonstrate nefarious, malicious, inappropriate, or criminal activity.
- (F) OE employees will think before sending a message, realizing it is important that an employee use the same care and discretion in drafting email communications as they would for any other written communication. Anything created or stored on the computer or other device may, and likely will be reviewed by others. Before sending a message, ask the following questions: "Would I want a judge, jury, or members of the public to see this message?"
- (G) Employees may not alter the "From:" line or other attribution-or-origin information in email, text messages, or postings. Anonymous or pseudonymous electronic communications are forbidden. Employees must identify themselves honestly and accurately when participating in all online/internet communications.
- (H) OE employees will not forward or initiate chain e-mail or known malicious email content: Chain e-mail is a message sent to a number of people asking each recipient to send copies with the same message to a specified number of others.

#### 12.04 Digital Records

Employees are expected to, at the highest level:

- (A) Maintain diligence and accuracy in filing on designated shared and backup system,
- (B) Avoid deletions, erroneous modifications, and errors that compromise OE records,
- (C) Maintain backups of work according to OE policies,
- (D) Notify the supervisory of any errors or irregularities that occur, and
- (E) Prevent the incorporation and perpetuation of computer security file risks.

#### 12.05 Appropriate Web Content

OE IT resources are the property of the OE and may be used only for legitimate business purposes, which is a privilege that may be revoked at any time. Employees are permitted access to these resources to assist them in performing their jobs. Use of the Internet, however, must be tempered with common sense and good judgment.

The OE is not responsible for material viewed or downloaded by users from the Internet. Users are cautioned that webpages may include offensive, sexually explicit, and inappropriate material. Note that you will be held responsible for what you view and do so at your own risk.

The OE may use software to identify inappropriate or sexually explicit Internet sites. Such sites will be blocked from access by OTE networks. In the event, you encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site and immediately report the incident to their supervisor.

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate may NOT be received or sent by e-mail or any other form of electronic communication (social media sites, blogs, vlogs, or any other site), downloaded from the Internet, or displayed on or stored in OTE computers. Employees encountering or receiving this kind of material should immediately report the incident to their supervisor.

#### 12.06 Limits of Personal Use

Personal use of OE IT shall be limited to breaks during work hours and when personal equipment is limited due to work-related travel. Personal use must be limited to exclude inappropriate or sexually explicit material from any source. Personal use must not include extensive alternative business or private matters.

#### 12.07 Responsibility for OE IT and Computer Security

- (A) **Responsibility for Passwords.** Users are responsible for safeguarding their passwords for access to computer resources. Individual passwords should not be printed, stored online, or given to others. Users are responsible for all transactions made using their passwords. No User may access the computer resources with another User's password or account.
- (B) **Passwords do not imply privacy.** Use of passwords to gain access to the computer resources or to encode files or messages does not imply that Users have an expectation of privacy in the material they create or receive on the computer system. The OE has global passwords that permit it access to all material stored on its computer system-regardless of whether that material has been encoded with User's password.
- (C) **Accessing other computers and networks.** OE employee ability to connect to other computer systems through the network or by modem does not imply a right to connect

to those systems or to make use of those systems unless specifically authorized by the operators of those systems or their supervisor.

- (D) **Computer Security.** Each User is responsible for ensuring use of outside computers and networks, such as the Internet, does not compromise the security of the OE computer resources. This duty includes taking reasonable precautions to prevent intruders from accessing the OTE's network without authorization and to prevent introduction and spread of viruses. Public WIFI connections are not secure and should be used with extreme caution and only with permission of the OE.

#### **12.08 OE Copy Machine**

OE employees will limit personal use of the OE copy machine and other disposable aspects of office equipment that include operational costs provided by the OE.

#### **12.09 OE IT Software and Apps**

OE IT installed software, apps, and other manipulations of OE IT devices must be approved by the employee's supervisor in advance of installation.

### **Policy Set 13. Media and Communications**

The Water Engineer is authorized to address media, interview, and information requests on behalf of the Board.

#### **13.01 Procedures for Media Contact**

Media inquiries and requests for interviews should be forwarded to the Water Engineer before accepting an interview with the media. News releases must be approved by the Water Engineer before initiating or releasing to the media or the public.

#### **13.01 Procedures for Meeting Information Requests**

Employees may provide scheduling information and meeting materials about public meetings without pre-approval.

#### **13.02 Approval for Website Updates**

Website design and updates do not require Board approval, but will be presented, periodically, to the Board for endorsement and suggested edits if needed.

Ongoing website updates for scheduled meetings, appeals, hearings, trainings, as well as applications received, application status, and water right mapping information may be updated as assigned by the Water Engineer without specific approval from the Water Engineer.

Materials for meetings, appeals, hearings, policy, legal memorandums, technical documents, and other substantive information must be approved by the Water Engineer before posting.

### 13.03 Public Information Requests

The OE is committed to providing the public and stakeholders with information and will make concerted efforts to provide important Board and OE public information and records on its website for the convenience of members of the public interested in obtaining Board and OE public records.

The Office of the Water Engineer will respond to requests for public information as guided by the Water Engineer and such responses do not require approval from the Board, but will be reported to the Board, along with the status of the response, as part of the Water Engineer's report at the next regularly scheduled Board meeting.

The Office of the Water Engineer will create a public information request form for the purpose of allowing the public to request Board or Office of the Engineer public informational. The form must be approved by the Board before going into effect and should include:

- (A) Information documenting the requester contact information and detailed nature of the request.
- (B) A timeline for OE staff to respond to the initial request for purposes of one of the following:
  - (1) providing the information requested for simple requests,
  - (2) requesting additional clarification about the request when needed, or
  - (3) providing the requester with a cost estimate needed to obtain the information and a timeline for completion of more complex requests.
- (C) An application fee that covers OE staff time needed to estimate total time and costs associated with the request; cost may include:
  - (1) OE staff time needed to accommodate the public information request,
  - (2) If applicable, Board or OE legal fees associated with accommodating the public information request, and
  - (3) OE data transfer fees for copies, USB drives, or other expenses.
- (D) Clarification that OE sensitive Personnel information is not eligible for request.

DRAFT Not Approved by the FRWMB

*Addendum 01. Employee Acknowledgement Form*

\_\_\_\_\_  
Employee's Name *(Please Print)*

Employee, please initial each provision and sign below.

1. \_\_\_\_\_ I hereby acknowledge that I have received a copy of the Flathead Reservation Water Management Board & Office of the Engineer (together referred to as the "OE") Employee Handbook dated \_\_\_\_\_, which provides guidelines on the policies, procedures, and programs affecting my employment with this organization.
2. \_\_\_\_\_ I understand that the procedures, practices, policies, and benefits described there supersede all prior policies and procedures and may be modified or discontinued from time to time and that OE will try to inform me of any changes as they occur.
3. \_\_\_\_\_ Furthermore, I acknowledge that this handbook is not a contract of employment and nothing in the handbook creates an express or implied contract of employment.
4. \_\_\_\_\_ I accept responsibility for familiarizing myself with the information, seeking clarification of its terms or guidance, where necessary, and complying with the content.
5. \_\_\_\_\_ I understand that I should consult with my OE supervisor if I have any questions that are not answered in this handbook.

Employee \_\_\_\_\_ Date: \_\_\_\_\_

Supervisory \_\_\_\_\_ Date: \_\_\_\_\_

Note: This form will be retained in the Employee's Personnel File.



## *Addendum 02. OE Personnel File Information Checklist*

### **General Information**

- Full Name & Address
- Personal Phone/Email
- SSN & DOB
- Emergency Contact

### **Initial Hire**

- Job Announcement
- Job Description
- Background Check
- Job Offer/Response(s)
- Interview and Hiring Documents
- Submitted Application Information

### **Orientation**

- Initial Pay Rate
- Beneficiary Designations
- Benefit Enrollment Forms
- Initial Work/Training Plan
- Job Description
- Professional Development Plan
- Work Schedule
- Leave Accrual Rate
- Years of Service Documentation
- Initial Policy Acknowledgements

### **Ongoing Benefits and Payroll**

- Benefits Selection Updates
- Payroll Documents
- Payroll Routing Information
- Timesheets
- Per Diem and Reimbursements
- Payroll Paystubs

### **Ongoing Job Documentation**

- Probation Period End Date/Extension
- Personnel Actions
- Pay & Leave Adjustments
- Performance Assessments
- Work Plans
- Incident Reports
- Safety Documentations
- Annual Policy Acknowledgements
- Equipment and Access Assignments
- Position Description Updates
- Letters of Recognition and Awards
- Promotion Plans
- Performance Improvement Plans
- Disciplinary Documentation/Actions
- Years of Service Updates
- Leave Documentation
- Education/Training Documentation
- Drug Testing Results (if needed)

### **Litigation or Grievance Information (if applicable)**

### **Medical Information (if applicable)**

### **Termination/Separation**

- Termination/Separation Papers
- OE Property Turnover
- Last Paycheck Information
- Leave Payouts
- Exit Interview Information
- Final Paycheck

*Addendum 03. State of Montana Travel Information*

**Per Diem Rates Effective 4/11/23 through 9/30/23**

	<b>In-State</b>	<b>Out-of-State</b>	<b>Foreign</b>
Morning Meal 12:01 am – 10:00 am	\$8.25	\$13	Varies
Midday Meal 10:01 am – 3:00 pm	\$9.25	\$15	Varies
Evening Meal 3:01 pm – midnight	\$16.00	\$26	Varies
Total per day	\$33.50	\$54	Varies

Must be in travel status—at least 15 miles away from your headquarters or work site for the day—for **MORE THAN 3 hours (a minimum of one minute over three hours)** during the mealtime range to qualify for that meal allowance. This means, leave no later than 6:59 am for a morning meal, and don't return any earlier than 6:02 pm for the evening meal. (You must count your minutes and be VERY SPECIFIC about recording the start and finish of your travel shift.

References: [2-18-501](#), [2-18-502](#), MCA; [Employee Travel Policy](#); [GSA website](#) for Out-of-State and [US Department of State website](#) for Foreign meals at standard rate.

**Lodging Rates Effective 10/1/22 through 9/30/23**

**In- and Out-of-State Rates**

Standard Rate	\$98
High-Cost Rate	See <a href="#">GSA website</a> for rates

**Foreign Lodging Rates**

Foreign	See <a href="#">US Department of State website</a> for rates
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NOTE: The following counties are considered high-cost and vary in their allowed standard rate: *Flathead, Gallatin, Park, Lewis and Clark, and Missoula.*

Rates exceeding either standard or high-cost rates require preapproval.

References: [2-18-501](#), MCA; [Employee Travel Policy](#)

**Personal Vehicle Mileage Reimbursements Effective 1/1/23 through 12/31/23**

	<b>Rate per Mile</b>	<b>Notes</b>
Standard Rate	31.5 cents	No maximum mileage per month
High Rate*	65.5 cents	0 <= 1000 miles per month
Low Rate*	62.5 cents	>1000 miles per month

\*Must meet certain requirements to qualify for high/low rates.

References: [2-18-503](#), MCA; [Employee Travel Policy](#)

**Preapproval by department director or designee is required for:**

- Out-of-State Travel
- Lodging at Actual Cost
- Personal Vehicle Usage
- Foreign Travel

*Addendum 04. Initial Adoption Benefit Factors*

- I. Employee PTO balance (approved 6/6/23)**
  - earned PTO will be back-calculated to the later of 1/1/23 or the employee's start date.
  - used PTO will be back-calculated to their start date or 1/1/23, whichever is later.
  - PTO balance will be updated by subtracting used PTO from earned PTO; values less than zero will yield a forward going balance of zero.
  - this will be effective when the Water Engineer makes the adjustment with staff.
- II. Employee/Employer retirement matches (approved)**
  - will be based on the entire 2023 period and allow for larger contributions for the remainder of the year.
- III. Employee cellular phone reimbursements**
  - will be back-dated to include all full months for which they have already worked for the FRWMB as they have been using their personal cell phones the entire time without reimbursement.