

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 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

ADA – American Disabilities Act

DRAFT Not Approved by the FRWMB

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.

CSKT – Confederated Salish and Kootenai Tribes

CWS – Compressed Work Schedule

DNRC – Montana Department of Natural Resources and Conservation

EAP – Emergency Action Plan

FLSA – Fair Labor Standards Act

FMLA – Family Medical Leave Act

FRWMB or Board – Flathead Reservation Water Management Board

FWS – Flexible Work Schedule

OE – Office of the Engineer, Office of the Water Engineer, or Flathead Reservation Office of the Water Engineer

Ordinance – the Unitary Administration Management Ordinance set forth in MCA 85-20-1902 and CSKT Ordinance No. 111-A

PTO – Paid Time Off

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.

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

3.01 Public Trust -- Public Duty (approved 11/2 4 Yes)

Holding OE employment is a public trust position, created by the confidence that electorate bodies repose 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 Policy Against Harassment (approved 11/2 4 Yes)

The Board and OE prohibit harassment that is sexual in nature and harassment that is based on race, color, religion, gender, sexual orientation, national origin, or age, disability, or other bases protected by local, state, and federal laws. Offensive conduct is also not tolerated by the Board or OE and 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.

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: (1) submission to such conduct is made a condition of an individual's employment; or (2) submission to or rejection of such conduct is used as a basis for making employment decisions affecting the individual(s); or (3) such conduct, intentional or unintentional, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive working environment.

3.04 If an employee is aware of any instance of sexual or other harassment, they should report the matter immediately to the Board Chair or Vice Chair. All complaints of harassment will be investigated immediately; upon completion of the investigation, the appropriate parties will be notified of the findings. Employees or staff members found to have harassed another individual will be subject to the appropriate corrective action. Employees and staff members reporting instances of harassment will not suffer retaliation for reporting such harassment. Policy Against Retaliation (approved 11/2 4 Yes)

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 is grounds for disciplinary action up to and including termination of OE employment.

3.05 Equal Employment Employer & Definition of Discrimination (approved 11/2 4 Yes)

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 (approved 12/13/23 – 5 Yes)

Any money collected by employees in the actions of the OE must be deposited in the OE operating account pursuant fiscal policies. Employee reimbursements must follow OE reimbursement policies.

3.07 Attire, Appearance, and Hygiene (approved 12/13/23 – 5 Yes)

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 should be kept clean, neat, and in good repair.

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.

Supervisors can specify additional or alternative dress 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. pro

If employees require reasonable accommodation, they should provide a written request describing the exception and need 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 (concur on 10/30/2024)

Employees are expected to be at work on all scheduled workdays and during all scheduled work hours. Employees are expected to report to work on time. On time means being properly dressed and prepared to begin work at the start of the employee's scheduled work period.

If an employee unexpectedly is unable to report to work or will report to work late, the employee shall notify their immediate supervisor no later than an hour before their scheduled start time. If the employee's immediate supervisor is unavailable, the employee may inform the Board Chair or Vice Chair of their unexpected absence.

All other planned or excused absences must be provided to the employee's immediate supervisor at least 72 hours before the planned or excused absence.

3.09 Irregular Attendance (concur on 10/30/2024)

Unexcused absences, tardiness, and unreported absences are disruptive to the operations of the OE and will not be tolerated. Unexcused absences, tardiness, and unreported absences may be cause for disciplinary action, up to and including discharge.

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.

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 unacceptable.

An *unauthorized absence* is when an employee's requests for time off is denied but takes time off anyway.

An *unreported absence* means one in which the employee does not contact the employee's immediate supervisor on or before the day the employee is out.

In the event of any combination of eight unexcused, unauthorized, and unreported absences or three consecutive occurrences, or a chronic pattern of any combination of absences, the employee's immediate supervisor may decide to take disciplinary action up to and including termination. The employee and the employee's supervisor may alternatively resolve the matter and document expectations in the employee's personnel file.

In the specific event of unreported absences that occur in conjunction with an employee not responding to communication attempts from the OE, the OE will consider the employee to have abandoned their position, and the employee will be considered separated from employment with the OE. The occurrence will be documented and included in the employee's personnel file and the employee's OE accounts and payroll will be terminated. Exceptions to this policy may be made by the employee's immediate supervisor if mitigating circumstances are confirmed.

The OE may request a doctor's certification regarding an absence or for fitness to return to work.

3.10 Confidential Information (to be edited by HCF and EM 12/13/23)

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. Any confidential information is to be disclosed on a "need to know" basis only. Any Personal Identifying Information (PII) is to be safeguarded as much as possible.

3.11 Gifts (to be edited by HCF and EM 12/13/23)

An OE employee may not accept 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. As public employees all members of the OE are subject to the Montana Ethics Law. (MCA 2-2-105, 2-2-121)

3.12 Disclosure of Conflicts of Interest (approved 12-13-2023 – 5 Yes)

An OE employee shall disclose any potential conflicts of interest to their immediate supervisor. If you are unsure whether there is a conflict of interest, discuss the matter with your immediate supervisor. An employee who violates these policies is subject to disciplinary action, up to and including termination of OE employment or termination of OE contract.

An OE employee should not solicit or accept employment or engage in negotiations or meetings to consider employment with an entity whom the OE employee regulates in the employee's official duties, without first giving notice to the employee's supervisor.

Conflicts of interest should be avoided and may include the following examples: (1) benefitting personally from a work relationship between the client and yourself; (2) engaging in a personal relationship with a current client or family member of a current client; (3) receiving gifts including monetary gifts from a client.

3.13 Use and sale of OE and Board Property for Personal Gain (approved 12-13-2023 – 5 Yes)

An employee or staff member may not use OE time, facilities, equipment, supplies, personnel, or funds for personal gain. Incidental use for infrequent personal uses is allowed, with notification to the employee's or staff member's supervisor or Board Chair.

An employee or staff member shall not sell Board property, including equipment, supplies, or products through personal channels, accounts, or methods for personal gain. All Board and/or OE property will be disposed of case-by-case with the Board Chair or Vice Chair and the OE.

3.14 Political and Lobbying Activities (approved 12-13-2023 – 5 Yes)

As an OE employee you may not use OE time, facilities, equipment, supplies, personnel, or funds for political activity. 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.

An OE employee may not engage in any lobbying activities on behalf of an organization of which they are a member while performing OE duties.

Violation of this section may result in disciplinary action up to and including discharge.

3.15 OE Employees and Former Employees Not to have Interest in Contracts (Reserved 12/13/23)

3.16 Drug Free Workplace (approved 11/2)

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 while they are in work status or at their workstation. 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 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 and transportation needed to obtain a screening will be arranged by the OE. Employee time spent accommodating OE required drug screening will be compensated at their regular rate and categorized as administrative leave. If a drug screening is required, that screening may be requested to occur on the same day that there is suspicion of drug or alcohol impairment or that an accident occurred.

An employee who violates these policies is subject to discipline action, up to and including termination of OE employment or termination of OE contract. An OE employee may provide information from their health care provider to help explain violations of these policies should they have occurred unexpectedly due to prescribed medications or other medical conditions.

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.

3.17 Smoking/Tobacco/Vape Use Prohibited (approved 12/13/23 – 5 Yes)

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 25-foot OE facility entrances or windows, or in OE vehicles. This policy relates to all work areas, including before and after normal working hours. Repeated violations of this policy may result in corrective disciplinary action, up to and including discharge.

3.18 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.

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.

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.

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.

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.

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 temporary or permanent positions.

Exceptions to this policy will be approved by the Board.

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.

3.19 Reporting Requirement and Procedures (approved 12/13/23 – 5 Yes)

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 policies set forth here.

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 their 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 any violation of the personnel policies should report that violation to their supervisor or a Board member, in writing.

All employees witnessing an illegal act performed by another OE employee shall report that violation to their supervisor or a Board member, in writing. If the illegal act has potential to cause immediate harm or endangerment, the employee shall as immediately as possible report the incident to law enforcement and/or emergency services.

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

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. Employee Types include:

- 1) Full-time employees work 32 to 40 hours per week or 130 or more hours per month.

- 2) Part-time employees work less than 30 hours per week or less than 130 hours per month.
- 3) Term employees work 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.
- 4) Contract employees work doing a specific project for a certain timeframe for a set fee, whose duties and benefits are defined by the contract; and
- 5) Volunteer employees work without compensation or for another organization and performs duties on behalf of the Board and the OE, volunteer employees do not receive benefits.

4.01 Fair Labor Standards Act (FLSA) Compliance (concur 10/30/2024)

The Board and the OE will adhere to the FLSA in its entirety.

Exempt and Non-Exempt Position Classification (concur 10/30/2024) All OE employee positions will be classified as exempt or nonexempt, reflected on the employee's position description. The exempt or nonexempt status of any position must be determined based on whether the position's salary and duties meet the classification requirements under this section.

Nonexempt positions are classified as such if the employee's position description designates the position as "nonexempt." A nonexempt employee is 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. OE employees classified as nonexempt employees include but are not limited to: Administrative Assistant, Compliance Technician, Hydrographer, and Water Resources Specialist I.

Exempt positions are classified as such if the employee's position description designates the position as "exempt." An exempt employee is exempted from overtime pay and/or minimum wage requirements as determined by Federal and State Wage and Hour Laws. OE employees classified as exempt employees include but are not limited to: Water Resources Specialist II and III; Hydrologist I, II, and III, Hydrogeologist, Finance Director, and Water Engineer.

4.02 OE Job Descriptions and Recruitment (approved 8/21/2024)

All OE jobs and contracted services will be based on a Board-approved job description. Job descriptions include multiple levels and minimum qualifications and enable recruitments to solicit a larger pool of potential applicants by soliciting entry-level and

experienced applicants simultaneously. Upon hiring, a job description will lead to a position description which is meant to more explicitly define an individual employee's duties and responsibilities based on the specificity of actual knowledge, skills, abilities, experience, and education of a hired employee.

All advertisements for jobs and contracted services will be based on a Board-approved budget determination of available funds. Jobs and contracts will be advertised for at least two weeks in local resources. If a job or a contract is not filled within the two-week advertising period, the OE may expand its advertising efforts beyond local recruitment.

The OE will maintain job and/or contract recruitment files for a period of at least three years including the public announcement, applications received, screening results/tests, and employee selection records.

4.03 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.

All new employees will review their position description during the first week of hire.

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.

Acknowledged position descriptions will be part of an employee personnel record. Position descriptions are approved and finalized by the employee's supervisor.

HCF Edits

Position descriptions provide an employee with their fundamental job duties and responsibilities, as well as, an employee's detailed annual workplan and potential promotion plans. Each employee will have a position description that may include: (1) position title, position level, and date of revisions, if any; (2) designation of FLSA exempt or nonexempt status; (3) identification of the employee's supervisor; (4) supervisory responsibilities and positions supervised, if any; (5) employee duty station and schedule; (6) if applicable, remote work plan, including the amount and timing of remote work, remote work topics and plans, and remote work reporting requirements; (7) purpose statement; (8) list of primary/essential duties and functions; (9) list of secondary duties and functions; (10) working conditions and physical requirements or accommodations; (11) list of general equipment or attire needed for the position, if required; (12) if applicable, a promotion plan or potential for promotion.

All new employees will review their position description during the first week of hire. Employees are required to acknowledge their position descriptions by signing the position description on the proper signature line. Position descriptions may be approved, amended, finalized, or terminated by the employee's immediate supervisor.


4.04 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:

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.

Fixed Work Schedules lack flexibility and are typically used when an employee shows they need more structure to achieve their duties and responsibilities.

HCF Edits

Work schedules are set by the employee's immediate supervisor and documented in the employee's position description. An OE employee is expected to work within a fixed schedule during normal business hours and days, with consistent arrival and department times, unless otherwise agreed upon through  written approval of the employee's immediate supervisor. Flexible work schedules may enable employees to select and alter their work scheduled to better fit personal needs and help balance work, personal, and family responsibilities, but require advanced written approval by the employee's supervisor.

4.05 Performance Assessments (approved 7/13)

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

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.

Performance assessments will include individual assessments of primary and secondary duties. 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. Performance assessments become a part of an employee's personnel file.

4.06 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 and/or the Board 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.

4.07 Employee Discipline and Termination (updated)

It is the policy of the OE and the Board that OE employees and staff 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. (MCA 39-2-9)

Disciplinary action may be administered for just cause.

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.

Employee Discipline may include but is not limited to informal discipline such as oral or email warnings, or 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.

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:
 - i. just cause or reason for the disciplinary action;
 - ii. disciplinary action to be taken;
 - iii. dates, times, duration, location;
 - iv. improvements/corrections expected;
 - v. date by which improvements/corrections will be evaluated; and
 - vi. consequences of failure to make improvements/corrections.
- 3) 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.
- 4) The employee's supervisor shall offer the employee the opportunity to respond to the notice of formal disciplinary action, within ten business days, either orally or in writing.

4.08 Performance Improvement Plan

Disciplinary actions may be resolved through a performance improvement plan if the employee's supervisor and the employee agree to the resolution.

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 by the supervisor and the employee.

4.09 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 promoted or laterally transferred within the OE do not need an additional probationary period.

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

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.

If the overall evaluation of an employee's or staff member's performance does not meet with the position expectations and standards, separation from employment may occur at any time during this period, or the probationary period may be extended up to six months past the completion of the employee's or staff member's one-year active employment. Vacation pay will not be awarded if termination occurs during the first days of active employment.

The supervisor shall make a reasonable effort during the probationary period to ensure the employee receives adequate training and coaching when appropriate for the position's requirements.

Before the end of the probationary period, the supervisor will write a personnel memorandum covering one of the following areas:

- 4) Employee has successfully completed the probationary period; or
- 5) Employee's probationary period is being extended with deficiencies noted; or
- 6) Employee will be terminated by giving written notice to the employee with no reason

given; or

- 7) Employee has voluntarily separated.

4.10 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. Permanent Status (updated)


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

Permanent employees are entitled to all OE disciplinary, performance improvement, and grievance procedures if considered for disciplinary action, up to and including discharge.

Permanent status entitles employees to be considered for promotion plans.

4.11 Employee Promotion Plan (updated)


Employee promotions plans are initiated by the Water Engineer or the Board Chair.

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. 

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 promotion, 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 and 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.

There are three types of Employee Promotion Plans:

- 5) Advancing the stage/level of complexity of an employee's current position.
- 6) Adding additional job classification/position complexity to an employee's current position; and
- 7) Advancing to a new position. 

4.12 Employee Awards

- 1) Years in Service Awards: 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.

- 2) 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.

4.13 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.

Personnel files are the property of the Board and must remain in a secure, locked location as designated by the Engineer and Board Chair.

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.

Employees may view and copy their own personnel files upon written request to the Engineer or the Board Chair.

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, through the most effective means possible.

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.

Access to personnel files will be restricted from employees involved in any associated work-related injuries or grievances.

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.

TERMINATION

1. Meeting: If an employee or staff member is being terminated, an in-person meeting is advisable if possible. The meeting should be attended by at least two Board members, one being either the Board Chair or Vice Chair.

2. Final Pay: Unless otherwise indicated in the Personnel Policies, the employee's or staff member's final paycheck for all accrued wages, including accrued PTO and bonuses, must be issued on the employee's or staff member's last day of employment.
3. Written Notice: While it is not required at the time of the meeting, it is generally advisable to provide the employee with written notice of the grounds for termination at that meeting. If not done that day, the written notice should follow as soon as reasonably possible. If presented to the employee or staff member at the meeting, the employee or staff member should be provided a copy and, if possible, request the employee sign a copy for the Board to keep within its personnel files.
4. Grievance Policy: The termination employee or staff member must be provided with a copy of the Board's grievance policy at the time of termination. If the employee or staff member fails to follow the policy, the company has an additional defense to any claim regarding wrongful discharge.
5. Severance/Release: If appropriate, the Board may wish to consider offering the employee severance in lieu of termination. The severance is conditioned on the employee or staff member agreeing to sign a release from all claims against the Board or OE relating to the employee's or staff member's employment.

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

5.01 Workweek and Pay Periods (concur 10/30/2024)

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. All employees will be on the same pay cycle regardless of their start date.

The designated workday begins at 8:00 a.m. and ends at 5:00 p.m. with a one-hour lunch break. The designated work week consists of at least 40 hours and generally includes work performed Monday through Friday. Variations to the designated workday and workweek will be made or approved by the employee's immediate supervisor, the Board Chair, or the Vice Chair.

REMOTE WORK SECTION MOVED AND COMBINED WITH TELEWORK IN Policy Set 10 – OE Workspaces

5.02 Remote Work

Remote work allows employees to work from home, on the road, or in a satellite location for all or part of their workweek. The OE considers remote work to be a viable and flexible work option when both the employee and the position are suited to such an arrangement. Remote work may be appropriate for some employees and positions, but not for others. Remote work is not an

entitlement and must be requested by the employee in writing and approved by the employee's immediate supervisor prior to any telecommuting or remote work.

The employee will establish an appropriate work environment within their home for work purposes, including adequate internet service, to allow for efficient remote access to company information and activity. The OE will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, internet access, or for repairs or modifications to the home office space. The OE will provide the necessary computing and software tools to ensure work can be completed remotely while maintaining the OE server security.

Consistent with the OE's expectations of information security for employees working at the office, remote work employees will be expected to ensure the protection of proprietary company and customer information accessible from the employee's home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the Board's workers' compensation policy. Remote work employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Remote work will not change the terms and conditions of employment with the OE.

A remote employee's base office is considered their home or location other than the OE building location. Travel time to and from the employee's base office to the OE office building, or vice versa, will be considered time worked when the employee is required to attend meetings or other events during the scheduled workday. Travel time will not be factored into considerations of overtime or courtesy time. Travel time to and from remote job sites and offices other than the employee's base office is considered time worked and the employee will be compensated for such time.

5.03 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.

Suggested change: The workweek, for payroll purposes, begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m. Employees are paid once every month, twelve times annually. Pay day will be on the tenth (10) day of each month. When pay day falls on a Saturday, payday will occur on the preceding Friday. When a pay day falls on Sunday, pay day will occur on the Monday following the tenth (10) of the month.

Timecards are to be submitted to the employee's immediate supervisor by 9:00 a.m. on the business day following the close of each time period. During the first three or sometimes four full weeks of the month, timecards are generally due at 9:00 a.m. every Monday morning. In the last partial week of the month, an additional timecard will be required to be completed mid-week. If an employee submits a timesheet after the employer's established deadline for processing employee timesheets for a particular period, the employer may pay the employee the wages due in the ensuing pay period. In an employee terminates employment for any reason, pay day will be the earlier of the next regularly scheduled pay day or 15 days from the date of termination.

5.04 Breaks

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

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.

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.

Wellness Breaks: Employees may participate for up to four (4) hours per week in physical fitness activities. No more than one-half of the time utilized by the employee shall be paid time, and no less than one-half of the time utilized shall be paid time off, lunch breaks, or time before and after working hours. Prior to initiating leave for physical fitness, an employee shall complete an

“employee Physical Fitness Program” form and submit it to their immediate supervisor for approval. Board approved for OE use until further review (8/21/2024)

5.05 Overtime, Comp Time, & Required Authorization (approved 11/2 4 yes)

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.

The Water Engineer will formally request operating budget modifications from the Board to account for proposed overtime work before it occurs. The Water Engineer will then distribute overtime hours funded by the budget modification in accordance with OE workload and workflow needs. The use of vacancy savings and other unobligated funds does not constitute an operating budget modification; those funds can be used for overtime work occurring without Board approval.

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.

Overtime requires preauthorization, whenever possible. Preauthorization can be oral or written. 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 Board Chair.

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.

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.

Bi-weekly timesheets and payroll document overtime worked, formalize overtime approval, and track overtime balances and payment of overtime.

5.06 Overtime and Comp Time for Non-exempt Employees (approved 11/2 4Yes)

With the advance approval of their supervisor, a non-exempt employee may:

- 1) earn additional pay at 1.5 times their base pay for overtime worked; or
- 2) earn comp time at 1.5 times the amount of overtime worked if the employee has a written agreement in place as per §5.05 (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. Overtime-Comp time agreements must be in writing, be specific to an individual employee, and appended to the employee's job description and include authorization dates.

5.07 Overtime for Exempt Employees (approved 11/2 4 Yes)

The OE is not required to pay 1.5 times an employee's base rate for overtime pay if the employee's position is classified as an exempt position. Due to periodic staffing shortages and a desire to provide consistent public services, the Board and the OE may consider compensating an exempt employee's essential work exceeding a 40-hour workweek.

With the advance written approval of the Water Engineer or, in the case of advance written approval for the Water Engineer, of the Board Chair or the Board Vice Chair in the absence of the Chair, an employee with an exempt position may earn:

- 1) Comp time at 1.0 times the amount of overtime worked; or
- 2) Extra pay at 1.0 times their base pay for overtime worked.

With the written approval of the Water Engineer and the Board Chair or the Board Vice Chair in the absence of the Board Chair, an employee with an exempt position may earn:

- 3) Comp time at 1.5 times the amount of overtime worked; or
- 4) Extra pay at 1.5 times their base pay for overtime worked.

Suggested change to Sections 5.04 - 5.06:

5.04 Overtime

Non-exempt employees must obtain approval from their immediate supervisor before working overtime. Overtime is defined as hours worked performing the functions of an employee's position or following the instructions of the employee's immediate supervisor. If a non-exempt employee works more than forty hours in a work week, the employee will be paid at one and one-half times their regular rate of pay for all hours worked more than forty, provided the overtime was approved and properly recorded.

For overtime, **only** those hours of work performed during the designated workweek will count for the computation of overtime. Time for which an employee was paid but did not actually work, such as paid time off (PTO), leave without pay, holiday pay, courtesy time, or other time not performing work are not considered hours worked for purposes of calculating overtime.

Exempt employees are not eligible for overtime.

5.08 Travel, Mileage, and Lodging Rates (approved 11/2 4 yes)

Mileage, travel, and lodging reimbursements shall not be furnished to OE employees and staff, unless the Board sanctioned the travel, the Board provided the means of transportation, or the reason for travel was integral to the OE employee or staff member's employment. Routine travel coming from or going to the physical office location does not qualify for reimbursement, unless otherwise determined by the Board.

The Board shall timely review and approve reimbursement for mileage, travel, and/or lodging upon receiving a proper request for reimbursement from the OE employee. A proper request for reimbursement must contain the amount of miles travel, to and from locations, the reason for the travel, the date(s) of travel, the person(s) traveling, and any other relevant information the Board may request to approve the reimbursement. Once approved, the reimbursement shall be deposited into the OE employee or staff member's specified account.

5.09 Mileage shall be reimbursed at the current rate per mile permitted by Internal Revenue Service rules and regulations (67 cents per mile for business use as of Jan. 1, 2024). Final Pay (approved 11/2 4 yes)

In compliance with Montana law [MCA. §39-3-205(2)], when an employee voluntarily separates or is involuntarily terminated prior to payday, the employee's 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.

Policy Set 6. OE Employee Leave Benefits

6.01 Types of Leave

Paid Holiday Leave

Paid Time Off (Annual and Sick Leave Combined)

Administrative Leave

Family Medical Leave Act Leave

Victims of a Crime Leave

Bereavement Leave

Jury and Witness Duty Leave

6.02 Paid Holiday Leave (approved 5/18)

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)

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.

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.

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.

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 the full-time schedule the employee works.

Each hour of paid holiday leave is paid at an employee’s regular hourly rate during the paid holiday.

No work shall be performed on a holiday unless authorized by the Water Engineer or the Board Chair or Vice Chair.

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) (1-6 approved 6/6)

OE employees earn paid time off (“PTO”), which is a combination of annual vacation leave and sick leave. This plan is applicable to all full-time and part-time employees and term and contract employees whose offers of employment include accrual of PTO.

Employees begin accruing PTO on their start date with the OE unless otherwise specified by the offer of employment provided by the OE.

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.

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.

Employees with a pay status of less than 80 hours in a bi-weekly pay period accrue PTO on a pro-rated basis unless otherwise specified by their employment agreement.

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
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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) Years of Full-time Service: An employee may receive service credit for their year(s) of previous employment with a public employer including, any Tribal, State, or Federal employer and/or any subdivision, department, or board of said Tribal, State, or Federal employer, or commission of state, county, or city government, or public university or college system.
- 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) For an employee who receives credit for previous public employment, the OE will add that previous public employment credit to ongoing years of service with the OE for purposes of setting PTO rates as per table above, “OE PTO Leave Accrual Rates.”
- 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.

Use of PTO:

- 7) The use of PTO for vacation and personal leave must be approved by the employee’s 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.
- 8) 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.

PTO Advances:

- 9) Employees in active FMLA status, as per 6.05 of the OE Personnel Policies, may request a PTO advance if the employee's PTO and Comp Time balance is depleted.

Add language ---- supervisor to approve PTO Advance

- 10) Total leave advances are limited to **120 hours** per calendar year.
- 11) Leave advances will be limited to **40 hours** for any individual pay period.
- 12) Leave advances will be treated like any other PTO use, including benefit accruals and additional PTO earnings while in pay status.
- 13) Leave advances will automatically be repaid by reducing an employee's future PTO accrual by half their normal accrual rate (described in 14 below); this initiates automatically **six pay periods** after an advance is made; alternatively, an employee may request to repay leave advances on an earlier schedule.
- 14) Automated repayment of leave advances will occur by reducing an employee's leave accrual rate by up to **half their normal rate** until repayment is complete; this rate will be prorated to an amount higher than half of the normal rate when half of the normal rate would exceed repayment requirements during any individual pay period in which repayment is occurring. Alternatively, an employee may request repayment occur at a rate higher than half of the normal PTO accrual rate.
- 15) Leave advances and repayments will be documented in an employee's personnel file.
- 16) Upon separation from employment, unrepaid leave advancements are zeroed.

Maximum PTO Accrual and Carry-over Limits:

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

- 18) The employee's supervisor is responsible for actively managing PTO for all employees by providing reasonable opportunity for an employee to use rather than forfeit accumulated PTO.
- 19) Employees are responsible for making a reasonable written request to use excess PTO during the 90-day grace period. The employee's supervisor 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.
- 20) If the employee's supervisor denies all or any portion of the written request, the supervisor and the employee must work together to ensure that the employee may use the excess PTO before the end of the 90-day grace period. Any excess PTO not used by the end of the calendar year in which the grace period was extended must be forfeited unless the supervisor and the employee can agree to an excess leave use plan that is formally acknowledged and added to the employee's personnel file and enacted pursuant the terms of the plan.
- 21) If mutually agreeable an employee's supervisor and the employee may agree to pursue a payout of excess PTO in lieu of using leave in circumstances where an employee is at risk of forfeiting PTO due to the maximum accrual policy set forth above. The Water Engineer will formally request operating budget modifications from the Board to account for PTO payouts of excess leave before authorizing a payout. The use of vacancy savings and other unobligated funds does not constitute an operating budget modification; those funds can be used for overtime work occurring without Board approval. Agreements for excess PTO payouts in lieu of taking leave must be documented in the employee's personnel file and the OE budget.

PTO payouts

- 22) 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

Years of Full-Time Service	PTO Hours/ Year	Sick Leave Hours/ Year	Annual Hours/ Year	PTO Payout Rate (% of Base Pay)
<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%

- 23) Upon ending employment with the OE, an employee’s hourly balance of unused PTO will be paid out as per this section.

6.04 Administrative Leave (updated)

Administrative leave is a type of leave which temporarily relieves an employee of their normal job responsibilities. The Board and OE may allow an employee on administrative leave to receive regular pay and benefits, to be determined on a case-by-case basis. Administrative leave can be authorized by the Water Engineer, the Board Chair or Vice Chair, or the entire Board. Administrative leave encompasses an array of different uses that include, but are not limited to:

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

6.05 **Family Medical Leave Act**

The Board, as a governmental entity, adopts the Family Medical Leave Act for its employees. 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.

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.

Loss of Eligibility – an employee’s eligibility and protection under the FMLA end when:

- 3) an employee gives the OE or the Board unequivocal notice of the employee’s intent not to return to work;
- 4) the employee exhausts all FMLA leave benefits for the covered periods; or
- 5) the employee exhausts all FMLA leave and is unable to return to work.

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:

- 6) the birth of a child and to care for the newborn child within one year of birth;
- 7) 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;
- 8) to care for the employee’s spouse, child, or parent who has a serious health condition;
- 9) a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- 10) 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.

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>

Employee FMLA Leave Obligations: an employee requesting FMLA leave must provide:

- 11) at least a 30-day advance oral or written notice of the need to take FMLA leave when the need is foreseeable;
- 12) or timely notice, as soon as possible and practical, when the leave is not foreseeable;
- 13) sufficient information for the employer to understand the leave is for an FMLA-qualifying reason.

An employee's notice requesting FMLA leave must include enough information for their supervisor to determine whether the FMLA leave request is qualifying. The notice may include or explain that:

- 14) a medical condition renders them unable to perform the functions of their job;
- 15) they are pregnant;
- 16) they have been hospitalized overnight;
- 17) they or a covered family member are under continuing care of a healthcare provider;
- 18) 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
- 19) 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.

Calling in "sick" without providing the reasons for the needed leave will not be considered sufficient notice for FMLA leave under this policy.

Employees are expected to respond to the OE's questions to determine if absences are potentially FMLA-qualifying.

FMLA does not provide paid leave but can be used 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: 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.

Employees are required to turn over allowances they receive from the court to OE.

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.

Policy Set 7. Other OE Employee Benefits

7.01 FRWMB Health Benefit Plans [Updated]

The FRWMB will provide OE employees with FRWMB Health Benefit Plan options, which shall include options for individual coverage and family coverage (spouse or spouse and dependents). FRWMB Health Benefit Plans include options for medical, dental, vision, and life insurance. L

- 1) FRWMB Employee Health Benefits Enrollment Guide: Benefits, employer benefit contributions, and costs to employees are set forth in the FRWMB Employee Health Benefits Enrollment Guide approved by the Board and updated as necessary and made available by the Water Engineer and the Health Benefits Plan manager upon request.
- 2) Medical Plans Offered: FRWMB Health Benefit Plans will include at least one high-deductible Health Savings Account (HSA) eligible medical plan option and one traditional medical plan option.
- 3) Enrollment Date: OE employees are eligible to enroll in an FRWMB Health Benefit Plan

effective at the start of the first month that occurs 30 days after their start date with the OE. Benefits do not start until the employee signs up and enrollment is administered by the benefits plan manager.

- 4) Eligibility: FRWMB Health Benefit Plans are offered to full-time, non-contract OE employees. Some contract OE employees may be eligible based on the contract defining their OE employment benefits.
- 5) Employer Contributions: An eligible employee must enroll in a FRWMB Health Benefit Plan to receive any employer Health Benefit Plan contributions. Employer health care benefit contributions that exceed an employee's health benefit premiums will be transferred to the employee's HSA account if the employee is participating in an HSA eligible health care benefit plan. If an employee is participating in a traditional health care benefit plan, employer health care benefit contributions in excess of health care premiums are retained by the employer in the [operational or designate another?] fund.
- 6) Monthly Employer Contributions and Premium Costs: Employer contributions and employee premium costs will occur monthly on the first pay period paycheck occurring of each month.
- 7) Employee HSA Contributions: When submitting pay period timesheets, OE employees may request payroll to make HSA contributions from their paycheck. An employee must provide payroll with HSA routing information before making an HSA contribution request. OE employees are responsible for tracking their own HSA contributions and managing IRS maximum contribution limits, HSA disbursements, and HSA record keeping for any audits that may occur.
- 8) COBRA: need to discuss FRWMB responsibilities and where to define COBRA benefits.

7.02 FRWMB Retirement Plans (updated)

The FRWMB will provide OE employees with FRWMB Retirement Benefit Plan options through the Public Employee Retirement System (PERS) as authorized by Board Resolution #frwmb03(2023). The following apply:

- 1) PERS Options: PERS offers both traditional and Roth 457B contribution options.
- 2) Enrollment Date: OE employees can enroll in PERS effective at the start of the first month that occurs 30 days after their start date with the OE. Benefits do not start until the employee signs up and enrollment is administered by the benefits plan manager.

- 3) Eligibility: FRWMB Retirement Benefit Plans are offered to full-time, non-contract OE employees. Some contract OE employees may be eligible based on the contract defining their OE employment benefits.
- 4) Contribution Limits: Contribution maximums are equivalent to IRS maximum contributions allowable for an employee 457(b) retirement account.
- 5) Employer Match: Employee contributions are matched by the employer at a 1 to 1 rate for up to 6% of the employee's annual pay.
- 6) Vesting: Employees are vested at 100% of the Board and OE match immediately upon establishing a PERS account.

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 response will be stored at a locked location 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 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 days. Personnel Records and Employee Privacy

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

9.01 Voluntary Resignation

Any employee or staff member who voluntarily resigns his/her position with the Board/OE is expected to provide the Board/OE with advance written notice of at least two weeks. If the employee or staff member does not provide advance notice as requested, the employee or staff member will not be eligible for rehire. 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 business needs requires such action.

9.02 Exit Interview (updated)

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 supervisor will solicit feedback from the employee including:

- What worked well with your FRWMB/OE Experience?
- Do you have any recommendations for the Board or OE?

- Do you have any parting comments about your essential duties?

The supervisor will write up responses to the exit interview, solicit written approval of the summary from the employee, and distribute the exit interview to the Board and/or other relevant staff members. At the request of the resigning employee, some information from the exit interview may be limited in its distribution.

At the exit interview, the supervisor will document an appropriate address for sending future benefits and tax information to the employee.

The exit interview becomes part of the employee's personnel file.

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 must sign a property release document as part of picking up a final check.**

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:

Adjustable height office workstations with ergonomic chairs and posable monitors,

Lighting solutions that accommodate routine operations,

Appropriate alternative seating as needed,

Stress reducing mats/rugs at workstations, and

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:

Dining appliances such as toaster oven, microwave, refrigerator, dishes, and dish cleaning supplies,

Tables and chairs for staff meals,

Water cooler and vessels, and

Acknowledging the benefits of a caffeinated workforce 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.

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.

Access is restricted to the employee or at the discretion and approval of the Water Engineer.

Use may not interfere with normal day-to-day operations of the Office.

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 (concur 10/30/2024 – will be moved to 5.03)

Telework is a work arrangement where a designated non-remote 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.

The approval of telework is at the discretion of the employee's immediate supervisor.

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 and conditions of arrangement;
- 3) designation of communications expectations
- 4) designation of core work schedule during telework;
- 5) work and performance reporting plan and evaluation schedule; and
- 6) documentation of OE property to be used at the worksite.

Telework eligibility will be based on:

- 7) the role and function of the employee;
- 8) the needs of the OE; and
- 9) the availability of a designated and suitable alternative worksite(s).

Approved telework does not affect an employee's compensation, benefits, insurance, retirement, and contributions to voluntary retirement savings plans.

Employee Responsibilities:

- 10) 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.

- 11) Employees shall not use telework in place of leave when unable to perform work.
- 12) Employees must follow applicable leave policies for leaves of absence during telework hours, the same as when working at the office.
- 13) 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.
- 14) Employees may not perform personal activities, including dependent-care activities, doctor's appointments, or other personal errands, during scheduled telework time.
- 15) 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.
- 16) 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.
- 17) 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 before the supervisor approves it.
- 18) 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.
- 19) 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.

- 20) 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.
- 21) A teleworking employee is responsible for promptly notifying the employee's supervisor of an equipment malfunction, failure of either OE-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.
- 22) 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:

An Emergency Action Plan,
An Office and Field Security Plan,
An Emergency Equipment and Personal Protective Equipment Procurement Plan,
Safety Training Plan, and
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. (MCA 39-71-401)

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 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 of 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 (MCA 39-71-1501) 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.

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.

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.

All employees are responsible for exercising maximum care, good judgment, and shall comply with established procedures in operating safely and preventing accidents.

Unsafe conditions, equipment, or practices shall be reported to the supervisor immediately.

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

12.01 Personal Cell Phone Use and Reimbursement Agreements (approved 7/13)

Many OE employee functions require the use of smart phones and OE employees are expected to have and maintain a smart phone and service. Smart phone means a cellular phone or other mobile device built on a mobile operating system and possessing advanced computing capability.

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.

Employees wishing to use their own smartphone (bring your own device or BYOD) will receive a stipend to assist them with paying their cell phone bills if they request via the OE's BYOD agreement form.

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.

Full-time OE employees will receive a \$13.85 smartphone-stipend/pay period (FRWMB approved \$30/month); reimbursements will occur through electronic transfer along with pay roll direct deposit transfers.

Part-time OE employees will receive a smart phone stipend of \$7 per pay period.

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 (approved 12/13/23 - 5 yes)

OE Employees, the public, relatives, or others are 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 of data.

12.02 OE Employee Cell Phone Number Privacy (approved 12/13/23 – 5 Yes)

Regardless of whether an employee has a smart phone reimbursement agreement, the OE and Board will not share OE staff cell phone numbers outside of the FRWMB and OE organization. Emergency and extenuating circumstances may allow temporary exception. The OE has and will maintain alternative methods of interacting with clients and the public.

12.03 Office Phones, Email, and other Communications

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.

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.

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.

Prohibited uses: Use of OE telecommunications systems and email to make or send fraudulent, unlawful, or abusive calls or messages is prohibited.

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.

OE employees will apply prudence 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?"

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.

OE employees will not forward or initiate chain e-mail or known malicious email content: Chain e-mail is a message sent to several 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:

- 1) Maintain diligence and accuracy in filing on designated shared and backup system,
- 2) Avoid deletions, erroneous modifications, and errors that compromise OE records,
- 3) Maintain backups of work according to OE policies,
- 4) Notify the supervisory of any errors or irregularities that occur, and
- 5) 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, any employee encounters inappropriate or sexually explicit material while browsing on the Internet, they must 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

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.

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.

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.

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 to allow the public to request Board or Office of the Engineer public information. The form must be approved by the Board before going into effect and should include:

Information documenting the requester contact information and detailed nature of the request.

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.

An application fee that covers OE staff time needed to estimate total time and costs associated with the request; cost may include:

- 4) OE staff time needed to accommodate the public information request,
- 5) If applicable, Board or OE legal fees associated with accommodating the public information request, and
- 6) OE data transfer fees for copies, USB drives, or other expenses.

Clarification that OE sensitive Personnel information is not eligible for request.

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: _____

Supervisor _____ Date: _____

DRAFT Not Approved by the FRWMB

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. *FRWMB OE Travel Information*

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

	In-State	Out-of-State	Foreign
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 GSA website for rates
Foreign Lodging Rates	
Foreign	See US Department of State website for rates

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

	Rate per Mile	Notes
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
- Personal Vehicle Usage
- Lodging at Actual Cost
- Foreign Travel

Addendum 04. Initial Adoption Benefit Factors

- I. Employee PTO balance (approved 6/6/23)
 - o earned PTO will be back-calculated to the later of 1/1/23 or the employee's start date.
 - o used PTO will be back-calculated to their start date or 1/1/23, whichever is later.
 - o PTO balance will be updated by subtracting used PTO from earned PTO; values less than zero will yield a forward going balance of zero.
 - o this will be effective when the Water Engineer makes the adjustment with staff.
- II. Employee/Employer retirement matches (approved)
 - o will be based on the entire 2023 period and allow for larger contributions for the remainder of the year.
- III. Employee cellular phone reimbursements (approved 7/3/23)
 - o 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.