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

**(HCF reorganization copy 12-16-2024)**


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## Acronyms and Terms (moved from 1.05)

ADA – American Disabilities Act

Compact – the Confederated Salish Kootenai-Montana Compact set forth in MCA § 85-20-1901.

CSKT or Tribes – Confederated Salish and Kootenai Tribes

DNRC – Montana Department of Natural Resources and Conservation

Employee – the Water Engineer, Office of the Engineer Staff, and Financial employees housed under the Board

FLSA – Fair Labor Standards Act

FMLA – Family Medical Leave Act

FRWMB or Board – Flathead Reservation Water Management Board

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

Reservation – Flathead Indian Reservation

## Policy Set 1. Office of the Engineer (Generally)

### 1.01 ~~Who We Are~~The Office of the Engineer (edited by HCF)

The ~~Office of the Water Engineer~~OE 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. The Board and the OE are~~Along with the Board, we are part of a government instrumentality~~ charged with the ~~implementation~~ administration and enforcement of water rights within the exterior boundaries of the Reservation pursuant to the Compact and Ordinance. The Board and the OE operate as a government instrumentality for the benefit of the public within the exterior boundaries of the Reservation. ~~We conduct our duties to benefit the people of the Flathead Indian Reservation. Our employment is one of public trust.~~

### 1.02 Office Culture and Expectations (edited by HCF)

The OE shall~~We~~ strive to build and maintain public trust ~~and capacity to make our office a good place to~~and work ~~and~~ to ensure a professional, pleasant, efficient, productive, and safe workplace for the public and OE employees.

### 1.03 Office of the ~~Water~~ Engineer ~~Supervisory~~ Structure (approved 7/27) (edited by HCF)

The Water Engineer serves as~~is~~ the supervisor ~~of~~ to the employees of the ~~Office of the Water Engineer~~OE~~, but can delegate temporary, short-term, or long-term supervisory responsibilities to staff as needed.~~. The Engineer may delegate supervisory responsibilities to an employee, the scope of which shall be documented within that employee's position description. ~~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 Board Chair, or the Vice Chair ~~in the absence of the Board Chair~~, shall serve as the Engineer's direct supervisor(s) for purposes of ~~conducts the Water Engineer's~~ performance, personnel actions, budget considerations, and other administrative concerns as necessary. ~~assessments and personnel actions, after receiving input from the Board.~~

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

### 2.01 Scope ~~and Authority of the OE Personnel Policy~~ (edited by HCF)

~~This policy~~These Personnel Policies and Procedures define~~s~~ the guidelines for all employees of the ~~Board, including the Water Engineer~~Board and the OE.

~~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~~Management and Retention (edited by HCF)

These Personnel Policies and Procedures, and any subsequent updates and amendments, are put out for a 15-day public comment period and adopted by official action of the Board during a noticed meeting open to the public. ~~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 of the Personnel Policies and Procedures will be stored pursuant to ~~the Board and the OE's document retention policies~~the document retention policy set forth in this document.

### 2.03 Distribution of the Policy to Employees (edited by HCF)

The Water Engineer will provide all ~~OE~~ employees with the most current version of ~~OE~~ the Personnel Policies and Procedures upon the employee's start date. ~~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 and procedures 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.~~

### ~~2.05 Money Collected (approved 12/13/23 – 5 Yes)~~ (deleted by HCF)

~~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.~~

## Policy Set 3. Board and OE Employment (new policy set)

### ~~2.06~~3.01 Attire, Appearance, and Hygiene (reviewed 12/13/23) (edited by HCF)

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.

The use of personal protective equipment may be required by the employee's supervisor. Any such additional attire requirements shall be documented on the employee's position description. ~~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.~~

~~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.~~ Attire accommodations can be made for employees with disabilities or for religious or other protected reasons, unless such accommodations would cause undue hardships for the OE. An employee requiring an attire accommodation must request the accommodation in writing and submitted to the employee's supervisor.

### ~~2.07~~3.02 Attendance (reviewed by Board)

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.

### ~~2.08~~3.03 Irregular Attendance (reviewed by Board)

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

An *unexcused absence* is an absence not authorized or approved of by the employee's immediate supervisor.

An *unreported absence* means one in which the employee does not contact their immediate supervisor on or before the day the employee does not report for a scheduled workday or work hours. Tardiness may constitute an unreported absence if the circumstances are not communicated to the employee's immediate supervisor prior to being tardy for a scheduled workday. Unexpected absences, due to emergencies, that are communicate to the employee's supervisor prior to may not be considered an unreported absence.

Employees will not receive pay for time not worked due to unexcused or unreported absences. The pay will be recorded as "leave without pay" on the employee's timesheet.

The employee's immediate supervisor may institute disciplinary action in the event an employee has a combination of eight unexcused and/or unreported absences or three consecutive occurrences, or a chronic pattern of any combination of absences.

If an employee fails to respond to communication attempts from their immediate supervisor within 24 hours of the last communication attempt, the supervisor may consider the employee to have abandoned their position, and the employee will be considered separated from employment. 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 may be made by the employee's immediate supervisor if mitigating circumstances are confirmed. An employee's immediate supervisor reserves the right to request a health care professional certification regarding an employee's absence and/or an employee's fitness to return to work.

### 3.04 Work Schedules Allowed (approved 7/13) (HCF moved from 4.05, edited by HCF)

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 departure 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 schedules to better fit personal needs and help balance work, personal, and family responsibilities, but require advanced written approval by the employee's supervisor, the Board Chair, or Vice Chair.

### ~~2.09~~3.05 Confidential Information(edited by HCF)

~~An OE employee~~Employees may not disclose or use confidential information acquired in the course of official duties to further the individual's personal economic interests. Employees may not disclose confidential or personally identifying information to the public. ~~Any confidential information is to be disclosed on a "need to know" basis only.~~ The management of p~~P~~ersonal i~~I~~dentifying i~~I~~nformation is ~~managed~~ described in ~~by~~ FRWMB Resolution #5.

### ~~2.10~~3.06 Gifts (edited by HCF)

An ~~OE employee~~employee may not accept a gift that would ~~tend improperly to~~improperly 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)~~All employees are subject to the Montana Ethics Laws contained in §§ 2-2-105 to -121, MCA.

### ~~2.11~~3.07 Disclosure of Conflicts of Interest (edited by HCF)

An ~~OE~~ employee shall disclose any potential conflicts of interest to their immediate supervisor, even if an employee is unsure of whether there is a conflict of interest~~. 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; (2) engaging in a personal relationship with a current client, customer, contractor, or agent, or family member of a current client, customer, contractor, or agent; (3) receiving gifts including monetary gifts from a client, customer, contractor, or agent.

### 3.08 Personal and Family Relationship (HCF moved from 3.18)

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.

### ~~2.12~~3.09 Use and sale of OE and Board Property for Personal Gain (edited by HCF)

~~As an OE employee you~~ An employee may not use OE time, facilities, equipment, supplies, personnel, or funds for personal gain. Incidental ~~use for~~ infrequent personal uses are~~is~~ allowed, with notification to the employee's immediate supervisor or Board Chair. ~~their supervisor, so long as it does not disrupt office business, expenses, and the employee does not charge time during the use.~~

An employee 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 in a manner determined by the Board Chair or Vice Chair on a case-by-case basis.

### ~~2.13~~3.10 Political and Lobbying Activities (edited by HCF)

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

### ~~2.14~~3.11 Workweek and Pay Periods (HCF moved from 5.01) (reviewed by Board)

The designated workday begins at 8:00 a.m. and ends at 5:00 p.m. with a one-hour lunch break. The designated workweek 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. Employees are expected to accurately record the actual time performing job duties or work-related travel.

### ~~2.15~~3.12 Remote Work (suggested changes per Vice Chair) (HCF moved from 5.02) (*see also* telework and remote work policy from OE)

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.

### ~~2.16~~3.13 Time Reporting and Pay Days (HCF moved from 5.03) (*see* edits from Vice Chair)

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 (per Vice Chair): 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.

### ~~2.17~~3.14 Breaks (HCF moved from 5.04) (reviewed by Board)

Paid Breaks: For each day of work, employees have two 15-minute paid breaks, one of which is may be taken in the morning and one of which may be taken in the afternoon. Employees are compensated for paid breaks at the employee's base rate.

Unpaid Breaks: For each day of work, employees are allowed one unpaid lunch break for a minimum of 30 minutes for a midday meal. The break may be extended if the employee does

not have conflicting scheduled work and communicates the extension to the employee's immediate supervisor. 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 wellness break form and submit it to their immediate supervisor for approval.

### ~~2.18~~3.15 Ergonomics (HCF moved from 10.01; edited by HCF)

~~The OE is concerned with OE staff ergonomics and healthful work environments.~~ The OE may provide the following ergonomic arrangements to promote a healthful work environment:~~Encouraged and provided items to promote this include, but are not limited to: a~~Adjustable ~~height~~ office workstations with ergonomic chairs and posable monitors, alternative 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~~reasonable accommodations as requested by the employee~~ of unique body issues brought to the attention of the OE~~.

**HCF deleted 10.02 (can address in accommodations section if necessary)**

### ~~2.19~~3.16 Break Space (HCF moved from 10.03)

The OE will provide the following items within the break space for all employees: dining appliances such as a toaster oven, microwave, refrigerator, dishes, and dish cleaning supplies, tables and chairs for meals, water cooler, and coffee pot.

### ~~2.20~~3.17 Breastfeeding (HCF moved from 10.04, edited by HCF)

~~The OE will provide reasonable break time for an employee~~Employees who require time to express or pump for purposes of breastfeeding a nursing child will be provided reasonable break time and an area free and clear from the intrusion or sight of coworkers, supervisors, and the public. ~~, 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.~~

### ~~2.21~~3.18 Inspections and Searches (HCF moved from 10.05, edited by HCF)

~~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.~~

An employee's immediate supervisor may inspect or search an employee's workspace including desks, cabinets, computer files, or other Board-owned equipment or property if the supervisor knows or has knowledge that the workspace contains illegal items or substances or stolen property. The inspection or search must be performed in a reasonable manner and not overly burdensome that the inspection or search would interfere with the employee's productivity. A supervisor may not search an employee's personal items including the employee's bags, backpacks, briefcases, car, etc. unless the supervisor has notified the employee of a reasonable search or the supervisor has received consent from the employee to do so.

### ~~2.22~~3.19 Overnight Office Use (HCF moved from 10.06; edited by HCF)

~~At the discretion and approval of the Water Engineer, OE staff may be allowed to stay overnight at the OE's physical address~~An OE employee may not stay overnight within the physical office, unless specifically approved by the employee's immediate supervisor. Any misuse or violation

~~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)~~1) ~~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.~~

### ~~2.23~~3.20 Accommodation (moved) (HCF moved from 10.07, edited by HCF)

The OE may provide an accommodation to an employee with a disability or religious practice or belief u~~U~~pon receiving a written request that includes the nature of a request and the reason an accommodation is needed, unless the accommodation causes undue hardship to the function of the OE. ~~, 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.~~

**Commented [GS1]:** How much liability does this expose us to? I am not comfortable with this..,.,.

**Commented [HF2R1]:** Under work comp laws and policies, if the employee is working in furtherance of their duties and responsibilities and spends an occasional night at the workplace, the employee would likely fall under work comp coverage, should something happen while at the workplace. If the employee is spending the night due to substance abuse or other unlawful reasons, that would not fall under work comp coverage should something happen at the workplace.

~~2.24~~3.21 ADA Compliance [Pending]

~~2.25~~3.22 Telework

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

The approval of telework is at the discretion of the OE supervisor. The OE may establish telework as a condition of employment.

A telework agreement is required when telework is expected to last longer than two weeks and shall include:

1) designation of a primary worksite;
2) designation of duration of arrangement;
3) designation of communications expectations
4) designation of core work schedule during telework;
5) work and performance reporting plan and evaluation schedule;
6) telework agreement terms of termination; and
7) documentation of OE property to be used at the worksite.

Telework eligibility will be based on:

8) the role and function of the employee;
9) the needs of the OE; and
10) 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:

11) 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.
12) Employees shall not use telework in place of leave when unable to perform work.
13) Employees must follow applicable leave policies for leaves of absence during telework hours, the same as when working at the office.

14) 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.

15) Employees may not perform personal activities, including dependent-care activities, doctor's appointments, or other personal errands, during scheduled telework time.

16) 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.

17) 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.

18) 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.

19) 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.

20) 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.

21) 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.

22) 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.

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.

**Commented [HF3]:** Suggested edit: "During the pendency of any equipment malfunction, an employee may use available PTO, comp time, or unpaid leave until they are able to return to a productive work environment."

**Commented [HF4]:** Suggest combining with remote work section.

**Commented [HF5R4]:** *See also* remote and telework policy from OE

## Policy Set 4. Drug & Substance Policy (new policy set)

### ~~2.26~~4.01 Drug Free Workplace (approved 11/2) (edited by HCF)

~~It is the policy of the Board and the OE that the~~The unlawful manufacture, distribution, dispensing, possession, or use of dangerous drugs as defined in ~~MCA §~~ 50-32-101, MCA, 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 allowed~~,~~ drugs and medications that would 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~~ that may cause such work disruptions or safety concerns.

~~OE employees~~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 disciplinarye 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.

### ~~2.27~~4.02 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.

## ~~Policy Set 3.~~Policy Set 5. Employment Classifications (new policy set)

### ~~3.01~~5.01 Employee Types (edited by HCF)

Employee types are reflected in an employee's job description, which can be modified as needed, in consultation with the employee and their immediate supervisor. Employee Types include:

1) Full-time: employees who work 32 to 40 hours per week or 130 or more hours per month.
2) Part-time: employees who work less than 30 hours per week or less than 130 hours per month.
3) Term: employees who are hired for a limited term of service. Interns who receive pay from the Board may be considered term employees. ~~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 who perform work based on a designated timeline and/or fee, and ~~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 who work without compensation or for another ~~organization and preforms duties on behalf of the Board and the OE~~employer but performs job functions

and duties on behalf of the Board or OE. ~~, volunteer employees do not receive benefits.~~ Interns who receive pay from another employer or who do not receive pay at all may be considered volunteers. Volunteers will not receive benefits from the Board.

### ~~3.02~~5.02 Exempt and Non-Exempt Position Classification (review 12/13) (reviewed by Board)

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.

### 5.03 Probationary Period (HCF moved and edited)

The OE shall institute a six-month probationary period for all new OE hires. An OE employee's probationary period begins on their first day of employment. The employee's immediate supervisor may extend the probationary period, but the probationary period may not extend more than 18 months.

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.

Leaves of absence shall not count toward the probationary period unless otherwise determined by the employee's immediate supervisor.

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.

### 5.04 Permanent Status (updated) (HCF moved from 4.11)

Once an OE employee successfully completes all phases of a probationary period, they are considered permanent. A permanent employee's immediate supervisor must have good cause to terminate them. Good cause may include: unsatisfactory performance, disruption of operations, repeated and material violations of the OE personnel policies, and other legitimate business reasons. Permanent employees are subject 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.

### ~~3.03~~5.05 Job Descriptions (approved)

All employment positions of the Board and the OE will be based on a Board-approved job description. A job description will contain the minimum qualifications for an employment position, the requirements of the employment position, accommodations of the employment position, and other such information the Board or the OE deem appropriate. All job descriptions will be advertised for at least two weeks with a local resource(s), which may include newspapers, online job portals, newsletters, university bulletins, and State and Tribal job announcement outlets.

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

### ~~3.04~~5.06 Position Descriptions (approved)

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 receive a position description that may include: (1) position title, position level, and date of revisions, if any; (2) designation of FSLA 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 receive their position description prior to the employee's intended start date. Employees are required to review and acknowledge their position descriptions by written

signature. Position descriptions may be approved, amended, finalized, or terminated by the employee's immediate supervisor.

### ~~3.05~~5.07 Employee Promotion Plan (needs revision) (HCF moved from 4.12)

Employee promotions plans ~~are initiated by the Water Engineer or the Board Chair~~may be initiated by the employee's immediate supervisor. Promotion plans resulting in pay increases must be assessed by the ~~Water Engineer~~ employee's immediate supervisor and brought before the Board for Board consensus~~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~~may include the following:

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:

1) Stage/Level-Based Advancement ~~Advancing the stage/level of complexity of an employee's current position.~~
2) Job Classifications Advancement ~~Adding additional job classification/position complexity to an employee's current position; and~~
3) New Position Advancement ~~Advancing to a new position.~~

### ~~3.06~~5.08 OE Personnel File (HCF moved from 4.14; HCF edited)

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~~personal identifying information required for ongoing employment and performance tracking. Physical p~~P~~ersonnel files are the property of the Board and must remain in a secure, locked location or, if in digital form, password protected. ~~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~~to the files requires explicit authorization by the Board Chair or Engineer. 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 will only be accessible on a need-to-know basis for proper management and administration of the OE. 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. Employees may view and copy their own personnel files upon written request to the ~~Engineer or the Board Chair~~Board Chair or Engineer.

~~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.~~

## ~~Policy Set 4.~~Policy Set 6. Employee Benefits

### ~~4.01~~6.01 Fair Labor Standards Act (FLSA) (approved 5/18) (HCF moved from 4.01)

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

### ~~4.02~~6.02 Family Medical Leave Act (FMLA) (HCF moved from 6.05) (reviewed by Board)

The Board adopts the Family Medical Leave Act in its entirety.

### ~~4.03~~6.03 Overtime, Comp Time, & Required Authorization (CONCUR 12/16.2024) (HCF moved from 5.05) (reviewed by Board)

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 or compensatory time off. However, an exempt employee may receive compensatory time for hours worked over 40/week if approved by their immediate supervisor in writing. This policy is to be re-reviewed by the Board every year.

### ~~4.04~~6.04 Types of Leave (HCF moved from 6.01)

The following constitute the types of leave offered to OE employees: Paid Holiday Leave, Paid Time Off (Annual and Sick Leave Combined), Administrative Leave, Physical Fitness Leave (PFL), Family Medical Leave Act Leave, Leave Without Pay (LWOP), Victims of a Crime Leave, Bereavement Leave, and Jury and Witness Duty Leave.

### ~~4.05~~6.05 Paid Holiday Leave (approved 5/18) (HCF moved from 6.02)

The OE 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 immediate supervisor 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.

### ~~4.06~~6.06 Paid Time Off (PTO) (1-6 approved 6/6) (HCF moved from 6.03)

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 |

**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 or Vice-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 one day or more 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.

9) PTO Advances: all PTO advances must be approved by the immediate supervisor with notice to the Board. Leave advances and repayments will be documented in an employee's personnel file.

BOARD CONSENSUS OF 1-9 (BOARD needs to REVIEW 10-16)

Maximum PTO Accrual and Carry-over Limits:

10) 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.

11) 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.

12) 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.

13) 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.

14) 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

**Commented [RN6]:** I believe the State payout rate is 50%; need to confirm.

**Commented [EM7R6]:** MT pays 100% for annual and 25% for sick leave balances upon exiting state employment. Excess comp time is typically taken at 100% before leaving.

15) 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% |

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

**~~4.07~~6.07 Administrative Leave (updated) (HCF moved from 6.04)**

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~~ employee's immediate supervisor. ~~Administrative leave encompasses an array of different uses that include, but are not limited to:~~

~~OE closure due to weather, safety, or heath concerns;~~

~~OE closure due to staffing, training, or meeting issues;~~

~~Temporary cessation of duties as required to investigate allegations of misconduct, or to remove an employee from the workplace pending assessment;~~

~~Employee leave granted for voting during Election Day, which may include up to 3.0 hours of administrative leave scheduled by supervisor; and~~

~~Leave used for wellness pursuant § 5.01(C).~~

Commented [HF8]: Suggestion to delete the types listed here. Administrative leave should be broad and at the discretion of the Board or Water Engineer. Also, an employee may volunteer to go on administrative leave.

### ~~4.08~~6.08 Bereavement Leave (approved 7/13: 4 to 1) (HCF moved from 6.06)

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.

### ~~4.09~~6.09 Jury and Witness Duty Leave (HCF moved from 6.07)

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.

### ~~4.10~~6.10 Victims of a Crime Leave (HCF moved from 6.08)

In accordance with MCA 46-24-205, an employee who has been a victim of (or witness to) a crime, or who is an immediate family member of a victim is welcome to request leave (absences from work) to attend and cooperate with the judicial proceedings. The OE is aware that the employee may request support from law enforcement or a prosecuting attorney to communicate the need for such absences from work, if necessary. If employees have any questions about this leave or whether it applies to their circumstances, they should contact their supervisor.

### 6.11 FRWMB Health Benefit Plans [Updated] (HCF moved from 7.01)

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

Commented [HF9]: While it is a benefit, life insurance is different than health insurance.

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.

## 6.12 FRWMB Retirement Plans (updated) (HCF moved from 7.02)

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:

**Commented [HF10]:** Pick one. Suggestion to go with days rather than a month which could be 28-31 days.

**Commented [EM11R10]:** Modified to address

**Commented [EM12]:** Should part-time employees be offered participation with a pro-rated employer contributions?

**Commented [EM13]:** https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/faqs/cobra-continuation-health-coverage-consumer.pdf

**Commented [EM14R13]:** https://benefits.mt.gov/Enrollment-and-Claims/COBRA/

**Commented [EM15R13]:** Hallee will offer legal considerations

**Commented [HF16R13]:** Montana does not have a mini-COBRA law, but instead adopts the federal requirements for private employers with 20 or more employees or government employers. It is unclear whether the Board would constitute a public agency for purposes of COBRA; also a question of whether the Board's health plan provided is a health plan organized for a public entity.

**Commented [EM17]:** Covered in 7.01

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.

Commented [EM18]: Should part-time employees be offered participation with a pro-rated employer contributions?

.

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.

~~1~~)6) Vesting: Employees are vested at 100% of the Board and OE match immediately upon establishing a PERS account.

Commented [EM19]: Matches Resolution #3 and PERS options made available by PERS administrators

## Policy Set 7. Employee Conduct (new policy set)

### 7.01 Workplace Respect Mandate (edited by HCF)

All employees are expected to develop and maintain workplace relationships free of bias, prejudice, harassment, and retaliation. Employees have a responsibility to treat coworkers, supervisors, Board members, contractors, vendors, clients, customers, and any other individual with dignity and respect.

### 7.02 Policy Against Harassment (approved 11/2 4 Yes) (edited by HCF)

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. Harassment or discrimination of employees by any supervisor, Board member, coworker, vendor, client, contractor, customer, or any other individual will not be tolerated.

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.

If an employee is aware of any instance of any form of 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, if any. Employees found to have harassed another individual will be subject to the appropriate corrective action.

Employees reporting instances of harassment will not suffer retaliation for reporting such harassment.

### 7.03 Policy Against Offensive Conduct (added by HCF)

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.

If an employee is aware of any instance of offensive conduct, they should report the matter immediately to the Board Chair or Vice Chair. All complaints of offensive conduct will be investigated immediately; upon completion of the investigation, the appropriate parties will be notified of the findings, if any. Employees found to have participated in offensive conduct will be subject to the appropriate corrective action.

Employees reporting instances of offensive conduct will not suffer retaliation for reporting such conduct.

### 7.04 Policy Against Discrimination (edited by HCF) (moved from 3.05)

Employment with the OE 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 determinations regarding recruitment and hiring, compensation, benefits, layoff, discharge, training, and all other terms, conditions, and privileges of employment.

### 7.05 Policy Against Retaliation (edited by HCF)

Retaliation occurs when a Board member, supervisor, or coworker punishes an employee for engaging in legally protected activity including the reporting of harassment, discrimination, or offensive conduct. Retaliation may present in the form of demotion, discipline, firing, salary reduction, or job or shift reassignment in response to an employee's report of harassment,

discrimination, or offensive conduct. Retaliation in any form is strictly prohibited and may be grounds for disciplinary action up to and including termination.

### 7.06 Reporting Requirement and Procedures (approved 12/13/23 – 5 Yes) (HCF moved from 3.19)

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.

### 7.07 Action Regarding Reports Submitted Pursuant § 3.20 (updated) (HCF moved from 4.07)

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.

## Policy Set 8. Employee Grievances (HCF moved policy set)

### 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 immediate supervisor within ten (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 immediate 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

Board member(s) or employee(s) receiving a written complaint from an alleged aggrieved employee may submit a written response to the Board within seven (7) days of receiving the complaint. The complaint and response will be stored at a locked location to maintain privacy. Copies of the complaint and the response must be provided to both the alleged aggrieved and alleged offender.

### 8.04 Employee Grievance Discussion

Board member(s) or employee(s) receiving a written complaint from an allegedly aggrieved employee may request a grievance discussion. The Board Chair and Engineer may hold the grievance discussion, unless conflicts exist. The Board may also contract a third-party mediator for purposes of conducting the grievance discussion and resolving the alleged grievances. After conducting a grievance discussion, either the Board Chair, Engineer, or third-party mediator shall issue a written statement to the alleged aggrieved and alleged offender.

### 8.05 Grievance Resolved

The alleged aggrieved and alleged offender shall have thirty (30) days after the issuance of the written statement to provide written comments or feedback. The Board Chair and/or Engineer shall be the final say in the matter, regardless of whether the grievance discussion was conducted by a third-party mediator.

**Commented [HF20]:** Might be difficult in a small office with few employees/staff members. Suggestion: Create Internal Grievance Procedure. Procedure to include written statements of complaint(s), problem, suggestions to the Board Chair or Vice Chair. If an individual employee wishes to appeal a discharge decision, layoff, or a change in working conditions, they must present a written statement to the Board Chair or Vice Chair within ten days after they are informed of the discharge, layoff, or change in working conditions. Board Chair or Vice Chair will review the written statement and provide the employee/staff member with its final decision within 60 days after the employee/staff member initiates the process.

## Policy Set 9. Employee Discipline, Separation, and Termination (new policy set)

### 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 immediate 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 shall become part of the employee's personnel file.

### ~~4.11~~9.03 Employee Discipline and Termination (updated)

It is the policy of the OE and the Board that OE employees who fail to perform their jobs in a satisfactory manner or whose behavior interferes with or disrupts OE operations be subject to disciplinary action, up to and including discharge. ~~(MCA~~ Section, 39-2-901, MCA.~~)~~

Disciplinary action may be administered for ~~just~~ good cause.

~~Just~~ Good 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 d~~D~~iscipline 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.

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.

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.

An employee may resign or be terminated by the OE without cause during their probationary period. 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 equal employment policies and anti-discrimination/harassment policies.

### ~~4.12~~9.04 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~~timeline in which remediation is to occur,
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.

## 9.05 Performance Assessments (approved 7/13) (HCF moved from 4.06)

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

6) ~~Employee Awards~~ (HCF deleted)

## 9.06 OE Property (HCF moved from 9.01)

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.

## 9.07 Final Pay (approved 11/2 4 yes) (HCF moved from 5.09)

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.

## Payroll, Time, Breaks, Travel, and Expense Reporting

### ~~4.13~~9.08 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.

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).

# ~~Policy Set 5.~~Policy Set 10. Workplace Safety

### 10.01 Workplace Safety Generally **(HCF edited)**

The OE strongly encourages employees to communicate with fellow employees and their supervisor regarding safety issues.

### ~~5.01 OE Safety Officer Assignment~~ (HCF deleted)

~~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.~~

### ~~5.02~~10.02 OE Safety Planning **(HCF edited)**

The ~~Water Engineer and the Safety Office shall provide for the following:~~OE shall create the following: a~~A~~n 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~~.

### ~~5.03~~10.03 Worker's Compensation Insurance **(HCF edited)**

The Board and the OE shall carry and keep current Worker's Compensation insurance for OE employees~~staff; all employees are covered by that Workers' Compensation Insurance that~~, which shall provide~~s~~ coverage and protection in accordance with Montana's ~~the State's~~ workers'

compensation laws. The Board and the OE shall adhere to all applicable worker's compensation laws. Section (MCA 39-71-401, MCA.)

### ~~5.04~~10.04 Work Accident Reporting (HCF edited)

Any work-related accident which occurs on the job, ~~no matter how minor,~~ must be reported immediately to the employee's immediate~~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 shall be~~are~~ available in every OE ~~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.

### ~~5.05~~10.05 OSHA Compliance (HCF edited)

The OE shall comply with the applicable sections of the Occupational Safety & Health Act in its entirety. ~~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~~

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~~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.

### ~~5.06~~10.06 Vehicle Policies [Pending] (*see* document from legal)

## ~~Policy Set 6.~~Policy Set 11. ~~Use of OE IT~~Board and OE Technology and Records

### ~~6.01~~11.01 Personal Cell Phone Use and Reimbursement Agreements (approved 7/13)

All OE employees shall have a smart phone. 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 may receive a prorated or lesser smart phone stipend at the discretion and approval of the Water Engineer. 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.

### ~~6.01~~11.01 Sync with OE IT Restrictions (approved 12/13/23 - 5 yes)

OE ~~e~~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.

### ~~6.02~~11.02 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.

### ~~6.03~~11.03 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 ~~think~~ 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 of 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 ~~a number of~~several people asking each recipient to send copies with the same message to a specified number of others.

### ~~6.04~~11.04 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.

### ~~6.05~~11.05 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.

### ~~6.06~~11.06 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.

### ~~6.07~~11.07 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.

### ~~6.08~~11.08 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.

### ~~6.09~~11.09 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.

### ~~Media and Communications~~

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

### ~~6.10~~11.10 Procedures for Media Contact

The Water Engineer is authorized to address media, interview, and information requests on behalf of the Board. Media inquiries and requests for interviews should be forwarded to the ~~Water Engineer~~Board Chair or Vice Chair before accepting an interview with the media. News releases must be approved by the Board Chair or Vice Chair ~~Water Engineer~~ before initiating or releasing to the media or the public.

### ~~6.01~~11.01 Procedures for Meeting Information Requests

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

### ~~6.02~~11.02 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.

### ~~6.03~~11.03 Public Information Requests

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

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

~~The Office of the Water Engineer will create a public information request form for the purpose of allowing the public to request Board or Office of the Engineer public information.~~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.