



CITY OF  
**Billings**

**HUMAN RESOURCES  
POLICY MANUAL**

**MAY 2025**

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## **SECTION 1 - GENERAL INFORMATION**



## ACCIDENT/INJURY REPORTING

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings is concerned with the health, safety, and welfare of its employees. Accident prevention is of primary importance to both the city and its employees. Any incident, accident, injury or near miss must be immediately reported to the supervisor and the appropriate accident/injury form completed.

Any accident or incident of a serious nature (excessive property damage and/or personal injury) requiring attention shall be immediately reported to the supervisor, who will then report the incident to Human Resources and be followed up by completing the form specified for this purpose.

### **PROCEDURE**

Report any incidents, injuries, or accidents immediately. Complete the City of Billings Accident/Injury Form on the same day of the incident, accident or injury and submit it to Human Resources. If it is not possible to complete and submit the form on the same day of the incident, accident, or injury, then the form should be completed and submitted by the end of the next business day. Failure to timely report any incident, accident, or injury may lead to disciplinary action.

A copy of the City of Billings Accident/Injury Form can be found on the City's website under Human Resources, Forms and Resources.

## **AMERICANS WITH DISABILITIES ACT (ADA) AND ADA AMENDMENTS ACT (ADAAA)**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

This policy applies to all employees of the City of Billings and those working for the City at all locations. All employees, including supervisors and managers, will be subject to discipline, up to and including termination, for any act of discrimination they commit. The City of Billings is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA), the ADA Amendments Act and equivalent state disability laws.

For purposes of this policy, a disability is any physical or mental impairment that substantially limits a major life activity.

### **POLICY**

The City of Billings will not discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability, so long as the employee or applicant can perform the essential functions of the job with or without a reasonable accommodation. A reasonable accommodation is a modification or adjustment of an employee's job or work environment that enables that employee to perform essential job functions or enjoy the same employment benefits and privileges as similarly situated employees without disabilities.

The City of Billings will also make reasonable accommodations for conditions related to pregnancy, childbirth or related medical conditions, if requested with the advice of the employee's healthcare provider, as required by law.

The City of Billings will provide reasonable accommodations to a qualified individual with a disability, if such accommodation does not constitute an undue hardship on the City of Billings and/or a direct threat to the health and/or safety of the individual or others.

Examples of reasonable accommodations include modifying a workspace to make it wheelchair accessible, providing screen reading software, or adjusting an employee's work schedule to accommodate medical appointments. The City does not provide accommodations of a personal nature, such as eyeglasses or hearing aids.

### **PROCEDURE**

Employees who believe they need a reasonable accommodation to perform the essential functions of their job should submit a written request to Human Resources. The City of Billings will conduct an analysis

to identify barriers that make it difficult for the employee to have an equal opportunity to perform their job.

The City will then identify possible accommodations, if any, that will help to eliminate the limitation or barrier. If the accommodation is reasonable and will not impose an undue hardship on the City and/or a direct threat to the health and/or safety of the individual or others, the City of Billings will make the accommodation.

### **Confidentiality**

All information obtained by the City concerning medical conditions or history of employees, including genetic information, is maintained in separate medical files and treated as confidential records that are disclosed only as permitted by law. HR representatives and supervisors who have knowledge of employees' medical information are prohibited from sharing such information unless others need to be informed to provide the requested accommodation.

## **COMMUNICABLE ILLNESSES**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings is concerned with the health, safety, and welfare of its employees and the public it serves. Prevention of the spread of communicable illnesses is of primary importance to both the city and its employees.

The City of Billings' decisions involving individuals with communicable illnesses shall be based on current and well-informed medical judgments concerning the risk of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable illness, and a careful weighing of the identified risks and the available alternatives for responding to an employee or customer with a communicable illness.

Communicable illnesses include, but are not limited to, measles, influenza, viral hepatitis-A, viral hepatitis-B, human immunodeficiency virus (HIV infection), AIDS, AIDS-Related Complex (ARC), leprosy, severe acute respiratory syndrome (SARS), SARS-CoV-2 (coronavirus), and tuberculosis.

City of Billings will not discriminate against any job applicant or employee based on the individual having a communicable illness. Applicants and employees shall not be denied access to the workplace solely on the grounds they have a communicable illness. However, the City reserves the right to exclude an individual with a communicable illness from workplace facilities, programs and functions if such a restriction is necessary for the welfare of the individual who has the communicable illness and/or the welfare of others within the workplace. An employee may submit an approval to return-to-work from their health provider, as well.

The City of Billings will comply with all applicable statutes and regulations to protect the privacy of individuals who have a communicable illness. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence regarding individuals who have communicable illnesses.

### **PROCEDURE**

In an effort to control the potential spread of communicable illness in the workplace, the City encourages employees to follow everyday preventive actions:

- Stay home when you are sick. The City provides sick leave to its eligible employees to help prevent the spread of contagious diseases in the workplace. Avoid close contact with people who are sick.

Policy 1-3  
Communicable Illnesses

- Cover your nose and mouth with a tissue when you cough or sneeze. Throw the tissue away after use and wash your hands. If a tissue is not available, then cover your mouth and nose with your sleeve, not your hand.
- Wash your hands often with soap and water, especially after you cough or sneeze. If soap and water are not available, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose, or mouth to stop the spread of germs.
- Clean and disinfect frequently touched surfaces or objects at home or work, especially when someone is ill.
- Participate in wellness programs and benefits offered by the city, such as the workplace administration of annual flu vaccinations.

## **EDUCATION AND TRAINING**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings encourages the continuing education and training of its employees, which benefits job performance. Human Resources periodically offers in-house training/seminars that are of interest specifically to City employees.

This policy does not apply to any educational/training course, which is either required of the employee by the City or funded by other than regular City funds. Final approval for the educational assistance rests solely with the Department Director and is subject to the availability of budgeted funds.

Regular full-time City employees may receive reimbursement for a portion of the costs of tuition and books for satisfactory completion of job-related educational coursework. Non-bargaining employees may receive 75% reimbursement if funding is available. Employees represented by a bargaining unit should refer to the applicable contract concerning any reimbursement. To be qualified as job-related, the education courses must:

- Maintain or improve skills required by the City; or
- Be needed to meet express requirements of the City or of a law or regulation to retain the employee's salary, status, or employment.

Educational assistance does not qualify as job-related if the education courses:

- Are needed to meet the minimum requirements of the job;
- Will lead to qualifying the employee for a new trade or business; or
- Are to fulfill general aspirations for personal reasons by the employee.

Employees must also pass the course with a grade of "C" or equivalent.

Reimbursement will be received after successful completion of the coursework, and is subject to taxation as a fringe benefit under current IRS rules. See *Fringe Benefits* for more information.

### **PROCEDURE**

Employees may contact their Division and/or Department Director to take advantage of training held in the area that would benefit them in the performance of their jobs. Employees requesting educational assistance must obtain written approval from their Department Director prior to attending the course.

Upon completion of the course, the employee must complete the Tuition Reimbursement Form, and provide documentation of their final grade to the supervisor. The department/division is responsible for submitting the request for payment following their division's standard procedure. The Tuition Reimbursement Form is found on the City's website under Human Resources, Forms and Resources.

The class and grade documentation should be sent to Human Resources for placement in the employee's personnel file.

## **ELECTRONIC DELIVERY OF FORM W-2 – WAGE AND TAX STATEMENT**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings is required by the Internal Revenue Service (IRS) to provide each employee with a Form W-2, which states the employee's compensation and tax withholding amounts for the calendar year, on or before January 31 of the following year. The IRS permits the use of electronic W-2 statements to meet this requirement. Employees may choose to receive their W-2 statement electronically rather than a paper version.

The benefits of receiving an electronic W-2 statement are:

- Earlier access to the W-2 statement.
- Once received electronically, there is significantly less risk that the W-2 may be lost or stolen.
- Electronic access is possible even if the employee is away from their usual home or work location.
- Compensation and tax withholding information may easily be downloaded into many tax preparation software programs.

The City must comply with specific IRS regulations to use electronic W-2's and employees must provide their consent to receive an electronic W-2 instead of a paper copy. Consent can be withdrawn at any time.

### **PROCEDURE**

If an employee elects to receive all future W-2 statements from City of Billings electronically, they must complete the consent form and submit it to Human Resources/Payroll. The consent form must be submitted by January 3. If an employee does not provide consent by January 3, then the employee will continue to receive a paper copy of their W-2 statement for the previous year.

Once the consent form is provided to Human Resources/Payroll, the electronic procedure remains in place until the consent is withdrawn, the employee is no longer employed by the City of Billings and has received their final year's W-2 statement, or if IRS regulations change and electronic delivery is no longer allowed.

To withdraw electronic delivery consent, send an email or written notice to:

City of Billings  
Human Resources/Payroll  
PO Box 1178

Billings, MT 59103  
[payroll@billingsmt.gov](mailto:payroll@billingsmt.gov)

If an employee consents to electronic W-2 delivery and the delivery is unable to be made due to a technical problem, incorrect login or password or incorrect email address, then the employee will receive a paper copy.

If there is a change in how to receive electronic delivery, employees will be notified immediately via email or written notice. Employees are also required to inform Human Resources promptly of any personal address or status changes via email or written notice.

If the employee completes the electronic consent correctly, then they will receive an email notification no later than January 31 of availability of W-2 forms.

Employees must access the electronic W-2 statement via the City of Billings Employee Portal.

Employees should ensure they are able to successfully access the Employee Portal prior to submitting consent for the electronic delivery of Form W-2.

The **Consent to Electronic Delivery of Forms W-2 – Wage and Tax Statement** form is found on the City's website under Human Resources, Forms and Resources.

## **EQUAL EMPLOYMENT OPPORTUNITY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings is committed to equal opportunity for all employees of the City of Billings, independent contractors, personnel working on City premises who are employed by temporary agencies, and other persons or firms doing business for or with the City of Billings at all locations.

The policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and benefits, working conditions, and training. The City of Billings expressly prohibits any form of unlawful employee discrimination or harassment with regard to age, race, color, religion, pregnancy, sex, national origin, veteran status, uniformed status, physical or mental disability, sexual orientation, gender identity or expression, genetic information, parental status, or other protected characteristics.

Prohibited behavior includes, but is not limited to, offensive jokes, slurs, derogatory comments, inappropriate gestures, or any other conduct that creates an intimidating, hostile, or offensive working environment. Additionally, retaliation against any individual who raises a complaint of discrimination or harassment, is a witness in the investigation of a complaint, or serves as an investigator of a complaint is strictly prohibited.

The City of Billings is committed to making reasonable accommodations for qualified individuals with disabilities to ensure equal access to employment opportunities. If an employee or applicant requires an accommodation to perform the essential functions of their job, they are encouraged to contact the Human Resources Department to discuss their needs.

All employees and supervisors, are responsible for complying with this policy and for treating each other with respect and fairness. Discrimination, harassment, or retaliation will not be tolerated, and any employee found engaging in such behavior will be subject to disciplinary action, up to and including termination of employment.

The City of Billings will continue to monitor and evaluate its employment practices to ensure compliance with applicable laws and to promote a work environment free from discrimination and harassment.

### **PROCEDURE**

If any employee believes they have experienced or witnessed discrimination, harassment, or retaliation, they are encouraged to report it promptly to their immediate supervisor, Department Director, or Human

Policy 1-6  
Equal Employment Opportunity

Resources. Reports will be treated with confidentiality to the extent possible, and appropriate action will be taken to address the matter. The report form is found on the City's website under Human Resources, Forms and Resources.

## **EXPOSURE CONTROL PLAN**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings is committed to providing a safe and healthful work environment for all employees. In pursuit of this goal, the following exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to blood borne pathogens (BBP) in accordance with OSHA Standard 29 CFR 1910.1030, "Occupational Exposure to Blood borne Pathogens."

The ECP is a key document to assist the City in implementing and ensuring compliance with the standard, thereby protecting our employees. This ECP includes:

1. Determination of employee exposure
2. Implementation of various methods of exposure control, including:
  - Universal precautions
  - Engineering and work practice controls
  - Personal protective equipment
  - Housekeeping
3. Hepatitis B vaccination
4. Post-exposure evaluation and follow-up
5. Communication of hazards to employees and training
6. Recordkeeping
7. Procedures for evaluating circumstances surrounding exposure incidents

Implementation methods for these elements of the standard are discussed in this ECP.

### **PROGRAM ADMINISTRATION**

The City Risk & Safety Officer is responsible for implementation of the ECP. The Risk & Safety Officer will maintain, review, and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures. The Risk & Safety Officer's office is located in the Human Resources Department.

Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.

Each department supervisor is responsible to provide and maintain all necessary personal protective equipment (PPE), engineering controls (e.g. sharps containers), labels, and red bags as required by the

standard. The supervisor will ensure adequate supplies of the aforementioned equipment are available in the appropriate sizes. Contact the department's supervisor for additional information.

The Risk & Safety Officer is responsible for ensuring all medical actions required by the standard are performed and appropriate employee health and OSHA records are maintained. The Risk & Safety Officer is also responsible for training, documentation of training, and making the written ECP available to employees, OSHA, and NIOSH representatives.

## **EMPLOYEE EXPOSURE DETERMINATION**

Located in Appendix A of the ECP is a list of job classifications/titles identified as positions at the City with a potential risk of exposure to BBP's.

## **METHODS OF IMPLEMENTATION AND CONTROL**

### Universal Precautions

All employees will utilize universal precautions. According to the concept of Universal Precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood borne pathogens.

### Exposure Control Plan

Employees covered by the blood borne pathogens standard receive an explanation of this ECP during their initial training session. It will also be reviewed in annual refresher training. All employees can review this plan at any time during their work shifts by contacting their department supervisor.

The City Risk & Safety Officer is responsible for reviewing and updating the ECP annually or more frequently if necessary to reflect any new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

### Engineering Control and Work Practices

Engineering controls and work practice controls will be used to prevent or minimize exposure to blood borne pathogens. The specific engineering controls and work practice controls used are listed below:

1. Sharps containers/specimen containers/secondary containers
  - Must be puncture resistant
  - Color-coded or labeled as biohazardous material
  - Must be leak-proof
2. Hand washing facilities
  - Must be readily accessible to employees
  - Soap and running water, or
  - Antiseptic cleanser with clean cloth or paper towels, or
  - Antiseptic towelettes
3. Resuscitation bags provided to emergency service responders required to perform CPR
4. Tongs and other tools to handle potential sharps hazards

5. Sharps disposal containers are provided and maintained by the department supervisor. The containers are replaced whenever necessary to prevent overfilling.

The city identifies the need for changes in engineering controls and work practices through modification of job duties/descriptions, employee comments, Safety committee input, and supervisory review. The City Risk & Safety Officer is responsible for ensuring that the recommendations are provided due consideration, and, when warranted and required, implementing the recommendation.

#### Personal Protective Equipment (PPE)

PPE is provided to City employees at no cost to them. Training in the use of appropriate PPE for specific tasks or procedures is provided by qualified departmental personnel and/or the City Risk & Safety Officer.

The types of PPE available to employees are as follows:

1. Gloves
  - Disposable nitrile or latex gloves.
  - Heavy duty rubber gloves over nitrile or latex gloves for housekeeping duties.
  - Heavy duty leather gloves over nitrile or latex gloves for protections from sharps.
2. Coveralls, aprons or other garments to protect against potentially infected fluids.
3. Resuscitation devices (to be used only by qualified EMT level employees).

PPE may be obtained through a request to the department supervisor. Once assigned, the care and maintenance of the PPE is the employee's responsibility.

All employees using PPE must observe the following precautions:

- Wash hands immediately or as soon as feasible after removing gloves or other PPE.
- Remove PPE after it becomes contaminated and before leaving the work area.
- Used PPE may be disposed of in containers that are: closeable; constructed to contain all contents and prevent leakage of fluids during handling and storage; container must be labeled appropriately, and closed prior to removal to prevent loss of contents during handling or storage.
- Wear appropriate gloves when it is reasonably anticipated that there may be hand contact with blood or OPIM, and when handling or touching contaminated items or surfaces; replace gloves if torn, punctured or contaminated, or if their ability to function as a barrier is compromised.
- Utility gloves may be decontaminated for reuse if their integrity is not compromised.
- Discard utility gloves if they show signs of cracking, peeling, tearing, puncturing, or deterioration.
- Never wash or decontaminate disposable gloves for reuse.
- Wear appropriate face and eye protection when splashes, sprays, spatters, or droplets of blood or OPIM pose a hazard to the eye, nose, or mouth.
- Contact your department supervisor for instructions regarding the handling of used PPE.

#### Housekeeping

Each department shall provide facilities for storage and disposal of anticipated biohazardous materials and waste. Departments are required to have specific procedures for handling, storage and disposal of potentially infectious materials including, but not limited to:

- sharps;

- contaminated gloves and other disposable PPE;
- paper towels, rags and other cleaning materials;
- Contaminated clothing.

Storage facilities must be located and designed to prevent potential exposure incidents, with biohazard signs, labels and other appropriate warnings. Access to such facilities must be limited to personnel authorized and with a need to use them.

#### Labels

Please contact the City Risk & Safety Officer for biohazard label needs.

#### **HEPATITIS B VACCINATION**

The City Risk & Safety Officer will provide training to employees, at the monthly new employee orientation session, on hepatitis B vaccinations, addressing safety, benefits, efficacy, methods of administration and availability.

The hepatitis B vaccination series is available at no cost after initial employee training and within 10 days of initial assignment to all employees identified in the exposure determination section of this plan. (Appendix A) Vaccination *is encouraged unless: 1) documentation exists that the employee has previously received the series; 2) antibody testing reveals that the employee is immune; or 3) medical evaluation shows that vaccination is contraindicated.*

If an employee declines the vaccination, they must sign a declination form. Employees who decline may request and obtain the vaccination at a later date at no cost. Documentation of refusal of the vaccination is kept in the Human Resources Department – Employee Personnel File, and electronically in HR System.

Vaccination will be provided by St. Vincent Healthcare Occupational Health Services at 2019 Broadwater Avenue, Billings, MT.

Following the medical evaluation, a copy of the health care professional's written opinion will be obtained and provided to the employee within 15 days of the completion of the evaluation. It will be limited to whether the employee requires the hepatitis vaccine and whether the vaccine was administered.

Proof of completion of the Hepatitis B vaccination series, or the signed declination form, is required and must be provided/routed to Human Resources in a timely manner.

#### **PROCEDURE**

##### **Post-Exposure Evaluation and Follow-Up**

Procedure and steps to file exposure report and ensure timely payment of incurred medical expenses:

1. In the event of an exposure incident, the affected employee(s) should seek immediate medical attention at either hospital's occupational health facility. An initial baseline test will be completed (Test 1).

2. Obtain Accident/Incident Report form from supervisor (this is *IN ADDITION* to the individual department exposure report form completed for Fire Department employees).
3. Complete Accident/Incident Report form.
4. Completed Accident/Incident Report, and any medical documentation, are to be sent to the Safety and Risk Management Officer in HR. By State law, the event MUST BE reported within 30 days of initial exposure.
5. Set up and attend 3-month post exposure follow up test (Test 2), 6-month post exposure follow up test (Test 3), 12-month post exposure follow up test (Test 4).
6. If the 12-month post exposure follow up test (Test 4) comes back negative for blood borne pathogens the case will be closed.
7. If any of the “post exposure follow up tests” come back positive for blood borne pathogens (occupational disease), treatment for the contracted disease is covered by Workers Compensation as outlined in MCA 39-71-704.

#### **Timing of Exposure Tests:**

1. At time of initial exposure; (test paid by Workers' Comp)
2. Follow up test 3-months after initial exposure; (test paid by Workers' Comp)
3. Follow up test 6-months after initial exposure; (test paid by Workers' Comp)
4. Follow up test 12-months after initial exposure. (test paid by City, if recommended by provider)

#### **Payment of Exposure Tests**

It is the affected employee's responsibility to manage payment for the exposure tests. Invoices/bills **ARE NOT** to be run through the City's Health Insurance Plan (EBMS).

When receiving care for the exposure, the employee is to have the services billed directly to the employee. Be certain that the service is coded (**ICD9 code**) correctly as care for a potential blood-borne exposure.

When medical invoice/bill is received from the treating facility, the invoice is to be provided to the City Risk & Safety Officer in HR. The invoice must indicate the service/treatment provided. The invoice will either be provided to the City's workers' compensation carrier for reimbursement to the employee; or a check, made payable to the affected employee, will be generated from the City's Finance Division. **AGAIN, it is the employee's responsibility to manage payment to the treating facility.**

#### **Administration of Post-Exposure Evaluation and Follow-Up**

The treating facility will provide the employee with a copy of the evaluating health care professional's opinion within 15 days after completion of the evaluation.

#### **Procedures for Evaluation of the Exposure Incident**

The department supervisor will review the circumstances of all exposure incidents to determine:

- engineering controls in use at the time
- work practices followed
- a description of the device being used
- protective equipment or clothing that was used at the time of the exposure incident (gloves, eye shields, etc.)

- location of the incident
- procedure/duties being performed when incident occurred
- employee's training.

## **Employee Training**

All employees who have occupational exposure to blood borne pathogens receive initial and annual training conducted by the City Risk & Safety Officer, Public Works Safety/Facilities Officer, or their representative. All employees who have occupational exposure to blood borne pathogens receive training on the pattern of disease development, symptoms, and transmission of blood borne pathogen diseases. In addition, the training program covers, at a minimum, the following elements:

- a copy and explanation of the OSHA blood borne pathogen standard;
- an explanation of the City of Billings' ECP and how to obtain a copy;
- an explanation of methods to recognize tasks and other activities that may involve exposure to blood and OPIM, including what constitutes an exposure incident;
- an explanation of the use and limitations of engineering controls, work practices, and PPE;
- an explanation of the types, uses, location, removal, handling, decontamination, and disposal of PPE;
- an explanation of the basis for PPE selection;
- information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine is offered free of charge;
- information on the appropriate actions to take and persons to contact in an emergency involving blood or OPIM;
- an explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
- information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;
- an explanation of the signs and labels and/or color coding required by the standard and used by the City Of Billings;
- an opportunity for interactive questions and answers with the person conducting the training session.

## **Training Records**

Training records are completed for each employee upon completion of training. The training records will be appropriately logged into the HR System. Documents will be kept/retained for at least three years by Human Resources.

The training records include:

- the dates of the training sessions,
- the contents or a summary of the training sessions,
- the names and qualifications of persons conducting the training,
- the names and job titles of all persons attending the training sessions.

### **Medical Records**

Medical records are maintained for each employee with occupational exposure in accordance with 29 CFR 1910.1020, "Access to Employee Exposure and Medical Records."

The City Risk & Safety Officer is responsible for maintenance of the required medical records. These confidential records are kept in a secure location in the Human Resources Department for at least the duration of employment plus 30 years.

Employee medical records are provided upon written request of the employee or to anyone having written consent of the employee within 15 working days. Such requests should be sent to: City of Billings, Risk & Safety Officer, P.O. Box 1178, Billings, MT 59103-1178.

### **OSHA Recordkeeping**

An exposure incident is evaluated to determine if the case meets OSHA's Recordkeeping Requirements (29 CFR 1904). This determination and the recording activities are completed by the City Risk & Safety Officer.

### **Sharps Injury Log**

In addition to the 1904 Recordkeeping Requirements, all percutaneous (via the skin) injuries from contaminated sharps are also recorded in a Sharps Injury Log. All incidences must include at least:

- date of the injury
- type and brand of the device involved (syringe, suture needle)
- department or work area where the incident occurred
- explanation of how the incident occurred

## **LIMITED ENGLISH PROFICIENCY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

*City of Billings takes reasonable steps to provide equal access to its services, activities, and programs by eliminating language barriers for persons with Limited English Proficiency (LEP).*

All interpreters and translators will comply with this policy and the interpreter service shall be provided at no cost to the LEP people and their families.

This policy also provides for communication of information contained in City of Billings forms and documents including, but not limited to, services such as: municipal courts, law enforcement, utilities, solid waste collection, building, planning, library, and parks and recreation programs, etc.

Language assistance is provided through competent bilingual interpreters, local organizations providing interpretation and translation services, or technology and telephonic translation services. All interpreters are provided with notice of this policy and procedure, and interpreters that may have direct contact with LEP individuals are trained in effective communication techniques.

### **PROCEDURE**

#### **Identifying LEP Persons and Their Language**

*When the need for interpretation service is requested or discovered, City of Billings will promptly identify the language and communication needs of the LEP person. If necessary, interpreters and employees will use a language identification card (or "I speak cards," available online at [www.lep.gov](http://www.lep.gov)) or posters to determine the language. In addition, when records are kept of past interactions with residents, then the language used to communicate with the LEP person will be included as part of the record.*

#### **Obtaining a Qualified Interpreter**

Language Link provides qualified interpreter services for the City of Billings. The agency's telephone number is 888-338-7394. The City of Billings account number is available from the Human Resources Department and the City Clerk's Office and must be provided at the time of the call. Employees who contact Language Link will also be required to provide their City of Billings phone number.

The interpreter and translator agency's name, phone number and hours of operation will be provided to employees who may need interpretation services for a LEP person.

The interpreter and translator agency will be contacted if an interpreter is needed, unless an employee who speaks the needed language is available and is qualified to interpret.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the City of Billings. Such an offer and the response will be documented. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, then competent interpreter services will be provided to the LEP person.

Children will **not** be used for interpreting, in order to ensure accuracy and confidentiality of communication.

### **Providing Written Translations**

When translation of vital documents is needed, each department/division will submit documents for translation into frequently encountered languages to the City's interpreter and translation agency, **Language Link**.

Department/divisions will provide translation of other written documents, if needed, as well as written notice of the availability of translation, free of charge, for LEP people.

### **Providing Notice to LEP Persons**

*City of Billings* will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. Notices and signs may be posted and provided in public areas and points of entry into City facilities. Notification will also be provided through the City's website, and may also include local media outlets, and/or community-based organizations.

### **Monitoring Language Needs and Implementation**

On an ongoing basis, the City of Billings will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures based on U.S Census data. In addition, the *City of Billings* will regularly assess the efficacy of these procedures including, but not limited to, interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, and feedback from the public and various community organizations, etc.

## **LOSS, DAMAGE OR THEFT OF PERSONAL PROPERTY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The City of Billings believes that employees are responsible for their personal property and should exercise caution when bringing valuable items to the workplace.

### **POLICY**

The City of Billings is not responsible for the loss, damage or theft of personal belongings brought to any City facility or property.

If secure storage is provided to any employee, it is their responsibility to use that secure storage for any personal belongings.

### **PROCEDURE**

Employees are asked to report any incidents of loss, damage, or theft to their supervisor or to Human Resources for documentation purposes.

## **PERSONAL USE OF CITY PROPERTY AND RESOURCES**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The purpose of this policy is to ensure all property maintained by the City of Billings is kept in the best possible working condition and all resources provided by the City of Billings are used responsibly for City business matters.

### **POLICY**

Employees will not be permitted to use City of Billings' property or resources for personal use which includes, but is not limited to vehicles, heavy-equipment, construction equipment, lawn-maintenance equipment, computers, pagers, telephones, cellphones, copiers, faxes, Internet services, printers, or any other City property for personal use. City-owned vehicles may not be used to transport family, friends, or any other person not employed by the City of Billings.

Misuse of resources includes receiving excessive personal packages at work. This may impact staff workflow and create a safety hazard, privacy issues, and the potential for lost packages.

Any employee who has neglected or misused City of Billings' property or resources will be subject to disciplinary action up to and including termination. If an employee's misuse of City property damages it, then the City may require the employee to pay all or part of the cost to repair or replace the property. Misappropriation of City property is grounds for immediate termination and possible criminal action.

Email and other computer files provided by the city are to be used for business purposes only. Employees must adhere to the Information Systems Security Policy Handbook, Email Policy contained in the Appendix of this document.

### **PROCEDURE**

All City of Billings employees have a fiduciary responsibility to take proper care of the equipment and resources entrusted to them, which expressly prohibits the personal use of equipment. If an employee has knowledge of misuse or misappropriation of City equipment, resources or property, it is their responsibility to report it to their supervisor or the Human Resources Director.

## **SERIOUS MEDICAL CONDITIONS**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

An employee experiencing a serious medical condition will be treated the same as all other employees as long as they are able to meet acceptable performance standards and their serious medical condition is not a threat to themselves or others.

Individual employee health conditions must be kept confidential. All reasonable precautions will be taken to protect employee health and medical information in accordance with federal and state law.

Whenever possible, the City will provide the following resources for City employees with respect to serious medical conditions:

- Information regarding types of leave available to an employee with a serious medical condition.
- Where appropriate, whether a reasonable accommodation requested by an employee will be approved that will permit an employee with a serious medical condition to perform their job duties.
- Information on requesting sick leave donations from employees in their department, or from employees citywide.
- Referral to agencies and organizations that offer supportive services for serious medical conditions.
- Benefit consultation to assist employees in effectively managing sick leave and other benefits.

When an employee's serious medical conditions may be exacerbated by the performance of their job duties, the City may require a medical examination, or return-to-work documentation from the employee's healthcare provider, to insure that an employee's return to their regular job duties does not pose a risk to the employee or others.

### **PROCEDURE**

When dealing with situations involving employees with serious medical conditions, supervisors should:

- Keep the employee's health condition confidential. Precautions must be taken to protect information regarding an employee's health condition.

- The employee should be directed to the City's Family Medical Leave Act (FMLA) procedure.
- Contact Human Resources if information is needed about the serious medical condition, or if further guidance is needed in managing a situation involving an employee with a serious medical condition.
- Contact Human Resources if there is any concern about the possible contagious nature of an employee's illness and whether clearance to return to work is needed from the employee's healthcare provider.
- Be sensitive and responsive to employees' and coworkers' concerns, and emphasize available City benefits and resources for serious medical conditions.

## **SERVICE ANIMAL POLICY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

This policy is intended to promote a positive work environment for all employees and customers, to clarify the City's position on the subject of service animals, and to set forth guidelines for handling violations of the policy.

All employees will be subject to discipline, up to and including termination, for any act of discrimination against individuals with a disability.

Employees may be allowed to have a service animal present with them during working hours if the need qualifies under the ADA.

#### **Background**

Under the Americans with Disabilities Act (ADA), a service animal is defined as an animal, typically a dog, that has been individually trained to do work or perform tasks for an individual with a disability. The task must be directly related to the person's disability. A service animal does not have to be licensed or certified by a state or local government or a training program.

Subject to limited exceptions, "comfort", "therapy", or "emotional support" animals will not meet the definition of a service animal unless they have been trained to do work or perform a specific task for a person with a disability covered by the ADA. The ADA makes a distinction between psychiatric service animals and emotional support animals. If an animal has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the animal's mere presence provides comfort, that would not be considered a service animal under the ADA.

Montana law does not limit the definition of service animals to dogs.

Federal, State, and Local laws require a modification be made to a "No Pet" policy to permit the use of a service animal by an individual with a disability, unless doing so would result in an unreasonable financial or administrative burden.

Service animals are not considered pets and do not need to wear any special identification, including tags, harnesses or capes. A person with a disability uses a service animal as an auxiliary aid. Service animals are trained to assist a person who has a mobility or health disability. Duties may include

carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, support while walking, etc.

**Common Types of Service Animals include:**

1. Guide Animal: Trained to serve as a travel tool by a person who is legally blind.
2. Hearing Animal: Trained to alert a person with significant hearing loss or who is deaf when a sound occurs, such as knocking on a door.
3. Seizure Response Animal: Trained to assist a person with a seizure disorder. The animal's service depends on the person's needs. The animal may go for help, or may stand guard over the person during a seizure.
4. Assistance Animal: Trained in various areas such as allergy detection, balance assistance, medical alert needs, pain relief, as well as a variety of other needs.

**PROCEDURE**

An employee requesting a service animal in the work place must complete an Employee Reasonable Accommodation Kit and submit it with the required medical certification to Human Resources. Human Resources will determine if the request is a reasonable accommodation as defined by the ADA. As a part of the interactive process to determine if the service animal is a reasonable accommodation, the service animal may be subject to an independent third-party evaluation to demonstrate that the service animal is properly trained and will not disrupt the workplace. The cost of the evaluation will be covered by the City.

**Supervision/Control of Service Animal**

The service animal must be supervised, and the handler must retain full control of the animal at all times. If the service animal is unruly or the handler is lacking control, the handler will be asked to regain control or remove the animal from the premises.

Feeding the service animal will not be allowed at the workplace. Water will be available to the animal at the discretion of the handler, but must be kept in an area so as not to be a tripping hazard to employees/customers. Break and lunch periods are considered sufficient time for removing the service animal from the work area to urinate or defecate. The handler will be responsible for removing any solid waste created by the service animal.

If the service animal is unruly or disruptive (barking, jumping on, biting, or sniffing employees/customers, urinating or defecating in the workplace or public facility) the handler will be asked to remove the animal from the area. The handler will be responsible for cleaning up any wastes created by the service animal.

If the improper behavior of the service animal continues or happens repeatedly, the handler will not be permitted to bring the animal back to the workplace until significant steps have been taken to mitigate the behavior. This could include retraining for both the service animal and the handler. The handler is responsible for all costs related to damage created by the service animal, which includes fees for clean-up and disposal of animal waste or replacement and repair of the City's assets.

General concerns about allergies or fear of animals are not valid reasons for denying access or refusing

services to people with service animals.

**Any exclusion of the service animal must be for reasons that are demonstrable, not speculative.**

In public facilities where it is not obvious the animal is a service animal, staff may ask only two specific questions:

- (1) Is the animal a service animal required because of a disability?
- (2) What work or task has the animal been trained to perform?

Staff are not allowed to request any documentation for the animal, require the animal demonstrate its task, or inquire about the nature of the person's disability.

#### **Guidelines for Staff**

1. Allow the service animal to accompany the handler at all times. The service animal must be permitted to accompany the individual with the disability to all areas of the workplace where members of the public are normally allowed to go unless its presence or behavior creates a fundamental alteration or direct threat to safety. An individual with a service animal **MAY NOT** be segregated from others.
2. Exclude the service animal only if 1) the animal is out of control and the handler cannot or does not regain control; or 2) the service animal is not housebroken. If the service animal must be excluded for these reasons, then the individual must be allowed to enter the facility without the animal.
3. Do not touch or pet a service animal. Petting a service animal when the animal is working distracts the animal from the task at hand.
4. Do not feed a service animal. The service animal may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.
5. Do not deliberately startle the service animal.
6. Do not separate the service animal from the handler.
7. Avoid initiating conversation about the service animal, the individual's disabilities or other service animals you may have known.
8. Remember . . . not all disabilities are visible. The nature of the person's disability is a private matter, you **ARE NOT** entitled to inquire for details.
9. Service animals **DO NOT** need to wear any special identification, including tags, harnesses or capes.
10. If you receive a customer complaint, explain the service animal is medically necessary and federal law protects the right of the person to be accompanied by the service animal in public places or while at work. If the customer has questions or concerns, they should be referred to Human Resources.

## **TRAVEL**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

City of Billings employees may be required to travel for necessary City purposes and will be reimbursed for reasonable and necessary expenses related to the travel.

### **POLICY**

The travel policy acts as a basic guideline for all City departments and employees who travel on City business and may utilize city-owned vehicles for such purpose. A variety of transportation modes exist and it is the City's policy that the least expensive mode of transportation available be used while considering both time and actual reimbursement costs. Department directors and supervisors must carry out the policy and must ensure that their employees follow correct procedures as outlined in the Travel Procedures available on the City's Intranet, Administrative Policies and Procedures

The City Administrator has final approval and responsibility for travel. The Department Directors are responsible for determining that:

1. The travel procedure is being followed;
2. Proper accounts are being charged; and,
3. There are budgeted funds available.

All travel outside the Continental limits of the United States and Canada must be reviewed and approved by the City Council.

All personal trips made together with official trips must be approved by the appropriate Department Director before the trip is made and must cause no additional expense to the City. Documentation of such shall be attached to the travel requisition.

Reimbursed expenses include only those incurred while traveling in connection with official business. Reimbursement rates will be in accordance with the Travel Procedures.

Employees will receive compensation for travel time in accordance with federal Fair Labor Standards Act guidelines and 29 CFR §785.39.

## **PROCEDURE**

Refer to the current Travel Procedures (typically defined in an Administrative Order) for guidance related to travel requisitions, travel guidelines, reimbursement/per diem rates, and payment for travel-related expenses.

Employees should contact Human Resources at least one week prior to travel to verify compensation procedures during travel time.

The City Administrator may approve exceptions to this procedure. Failure to comply with any portion of this procedure may lead to disciplinary action, up to and including termination.



CITY OF  
**Billings**

## **SECTION 2 - EMPLOYEE CONDUCT**

## **ANTI-HARASSMENT**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings is committed to providing a workplace that is free from harassment. Harassment based upon an individual's race, creed, religion, color, or national origin or because of age, physical or mental disability, marital status, sex, sexual orientation, gender identity, veteran or military status, or any other characteristic protected by applicable federal, state, or local laws will not be tolerated. People can be harassed even if they are not the intended target. The harasser can be the victim's supervisor, a supervisor in another area, a coworker, someone who is not in the same department, such as an employee who is not in the same work environment, an independent contractor, or a public vendor.

This policy applies to all employees of the City of Billings, including management personnel, and applies to all harassment occurring in the workplace, whether in the office; in City-related settings; or in the use of City-provided systems, including email, voicemail, and the Internet.

#### **Sexual Harassment Prohibited**

Sexual harassment is unwelcome sexual advances, request for sexual favors, and other verbal and physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating hostile or sexually offensive work environment.

Below is a non-exhaustive list of specifically prohibited conduct:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults;
- Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body;
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience;

- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward;
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct;
- Intentionally making performance of the employee's job more difficult because of that employee's sex;
- Sexual or discriminatory displays or publications anywhere in City of Billings' workplaces by City employees;
- Displaying "pinup" calendars or sexually demeaning pictures;
- Telling sexually oriented jokes or stories;
- Subjecting another individual to pressure for dates;
- Sending or displaying sexually explicit or suggestive text messages, e-mail, pictures, symbols or objects;
- Retaliation for sexual harassment complaints.

The most extreme form of sexual harassment is sexual assault. This is a serious crime, and the City will support employees who want to press charges against their offenders.

#### **Other Conduct Constituting Prohibited Harassment**

Harassment also includes verbal or physical conduct that degrades or shows hostility or aversion towards an individual because of an individual's race, creed, religion, color, or national origin or because of age, physical or mental disability, marital status, sex, sexual orientation, gender identity or expression, veteran or military status, or any other characteristic protected by applicable federal, state, or local law, or any standard set forth in this handbook, and that;

- has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
- has the purpose or effect of unreasonably interfering with an individual's work performance.

#### **Consensual Relationships in the Workplace**

Because consensual romantic or sexual relationships between an employee with supervisory authority and the employee's subordinate may compromise the City's ability to enforce its policy against sexual harassment, any such relationship will be considered carefully by the City. If appropriate, the City will take remedial action that may include a change in the responsibilities of the individuals involved or a transfer of location within the office to diminish or eliminate the supervisory relationship and workplace contact. Any manager or supervisory employee involved in such a relationship is required to report the relationship to the Human Resources Director.

#### **PROCEDURE**

If an employee believes they have been subject to sexual harassment or other prohibited harassment described above, they have a duty to report the harassment. Supervisors, who knowingly allow or tolerate harassment or retaliation, including failure to report the harassment to the Human Resources Department immediately, are in violation of this policy and subject to discipline.

## **Reporting and Resolution**

An employee who believes they have been subjected to a violation of this policy should first try to resolve the situation directly and inform the harasser that the conduct is unwelcome and must stop. If the harassing conduct does not cease, or if the employee is unable to address the alleged harasser directly, the employee should submit a formal complaint to their supervisor, or to the Human Resources (HR) Director using the Anti-Harassment Complaint form, found on the City's website under Human Resources, Forms and Resources. The employee must include the date, time and nature of the incident(s) and the names of any witnesses. Co-workers who witness harassing behavior are also expected to report the incident.

## **Action**

The City of Billings will begin an impartial investigation as soon as possible. The investigation will be kept confidential to the extent possible. However, it may be necessary to confront the accused individual who allegedly violated the policy concerning the allegation. Information gathered during the investigation will be reviewed with the appropriate member(s) of management and, if warranted, the City Attorney. These individuals will determine necessary action, which may include, but is not limited to no disciplinary action, education, an apology, oral and/or written discipline, suspension without pay, and termination of employment.

At the completion of the investigation, the complainant will be advised of the results of the investigation, except that specific personnel actions taken may not be revealed.

## **Retaliation**

The City of Billings does not tolerate retaliation or intimidation towards any employee or other individual who makes a written report of a violation of this policy, for participating as a witness in the investigation of a complaint, or for serving as an investigator of a complaint. Anyone who does so will be subject to disciplinary actions, up to and including termination. Report any retaliation to the HR Director immediately.

## **CODE OF ETHICS**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The purpose of this policy is to affirm, in a comprehensive statement, required standards of conduct and practices with respect to certain type of action, payments and political contributions. This policy is based, in part, on the State of Montana's Code of Ethics and Administrative Rules and the Billings Municipal City Code. Both of these sets of rules are applicable to City of Billings employees, and all employees should familiarize themselves with these rules.

The State of Montana updates its rules from time to time and the most current information is published by The Office of the Commissioner of Political Practices. See [www.politicalpractices.mt.gov](http://www.politicalpractices.mt.gov). The City of Billings' Code of Ethics may be found in Article 2-700 BMCC. See [ARTICLE 2-700. - CODE OF ETHICS | Code of Ordinances | Billings, MT | Municode Library](#). To the extent that there is a conflict between the State of Montana's ethics rules and the City of Billings ethics rules, City of Billings employees shall abide by the most restrictive rules in the performance of their job duties.

In addition, some City employees are subject to additional ethical rules and standards by nature of their positions, such as engineers, peace officers, attorneys, and purchasing agents.

### **POLICY**

The people have a right to expect that every public employee will conduct himself or herself in a manner that will tend to preserve public confidence in and respect for the government he or she represents. Such confidence and respect can best be promoted if every employee will uniformly:

1. Treat all citizens with courtesy, impartiality, fairness and equality under the law;
2. Treat all fellow employees with courtesy, impartiality, fairness and equality under the law; and
3. Avoid both actual and potential conflicts between his or her private self-interest and the public interest.

### **FAIR AND EQUAL TREATMENT**

No employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large.

No employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, time, personnel, labor or service for the personal convenience or the private advantage of himself or herself or any other person. This rule shall not be deemed to prohibit an official

from requesting, using or permitting the use of such publicly owned or publicly supported property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which is provided as a matter of state public policy for the use of employees in the conduct of official business.

## **CONFLICT OF INTEREST**

### **Financial or personal interest**

No employee, either on his or her own behalf or on behalf of any other person shall have any financial or personal interest in any business or transaction with any public body unless the official shall first make full public disclosure of the nature and extent of such interest.

### **Disclosure and disqualification**

Whenever the performance of his or her official duties shall require any employee to deliberate and vote (if applicable) on any matter involving the employee's financial or personal interest, the employee shall publicly disclose the nature and extent of such interest and disqualify himself or herself from participating in the deliberation as well as in the voting.

### **Incompatible employment**

No employee shall engage in private employment with, or render services for, any private person who has business transactions with any public body unless the employee shall first make full public disclosure of the nature and extent of such employment or services to his/her Department Head.

### **Private interest**

Private interest is a direct or indirect interest of a natural person, partnership, corporation or any other entity including a political entity other than the City or an organization in which the City is or may be affiliated.

## **REPRESENTING PRIVATE INTERESTS**

No employee, whether paid or unpaid, shall appear on behalf of private interests before any public body of the City. An employee shall not represent private interests in any proceeding to which the City is a party.

These prohibitions shall not be construed to prevent an employee from making inquiries and investigations as provided, nor shall it prevent an official from appearing before any public body of the City to express the official's personal views as a private citizen.

## **GIFTS AND FAVORS**

No employee of the City shall accept any gift of substantial value, whether in the form of money, thing, favor, loan or promise that is offered to influence an official decision or to prejudice an official opinion or action. No employee shall accept a cash gift for any reason. However, an employee may accept a gift or favor of food, merchandise or services whose cash value is less than fifty (\$50.00) dollars.

1. A City employee may not accept a gift of substantial value or a substantial economic benefit tantamount to a gift:

- a. that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
- b. 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.

2. An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.
3. Campaign contributions reported as required by statute are not gifts or economic benefits tantamount to gifts.
4. The term "gift of a substantial value" does not include:
  - a. a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the state and that is not claimed as a charitable contribution for federal income tax purposes;
  - b. food and beverages consumed on the occasion when participation in a charitable, civic, or community event bears a relationship to the public employee's employment or when the employee is in attendance in an official capacity;
  - c. educational material directly related to the official governmental duties;
  - d. an award public presented in recognition of public service; or
  - e. educational activity that
    - (i) does not place or appear to place the recipient under obligation;
    - (ii) clearly serves the public good; and
    - (iii) is not lavish or extravagant

## **RELATIONSHIPS WITH SUPPLIERS**

Employees are expected to work productively with suppliers, to bargain aggressively for the City's best interest, and to obtain for the City all of the benefits to which it is legally entitled. An employee should not take advantage of their position to obtain personal benefits from any supplier.

## **NEPOTISM**

1. An employee may not work under the line of supervision of a relative or the employee's domestic partner.
2. An employee shall not make, or attempt to influence, any determination concerning the employment status or eligibility for employment of a relative or the employee's domestic partner.
3. No employee shall appoint or vote for appointment of any person related to the employee by blood or marriage to any position, employment or duty, when the salary, wages, pay or compensation is to be paid out of public funds and the employee will directly supervise the person.
4. For purposes of these restrictions, the following definitions apply:
  - (A) DOMESTIC PARTNER has the meaning given to the definition of partner under MCA 45-5-206(2)(b).
  - (B) RELATIVE means the employee's spouse, mother, father, stepmother, stepfather, mother in-law, father-in-law, son, daughter, foster child, stepson, stepdaughter, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, brother-in-law, or sister in-law, or any grandparent, aunt, uncle, niece, nephew, or cousin related to the employee by blood or marriage.

## **PROCEDURE**

Any employee who is requested to make, authorize, or agree to any offer or payment which is, or may be, contrary to this policy shall promptly report such information to the employee's supervisor, to the City Attorneys' office, or to Human Resources.

Any employee who acquires information (for example, newspaper reports, reports from customers, or statements of individuals involved) that gives the employee reason to believe that any employee is engaged in conduct forbidden by this policy, or that any sales representative, distributor, or other person is engaged in the type of conduct (whether or not in connection with a transaction involving the City) which, if engaged in by an employee would violate this policy, will promptly report such information to the employee's supervisor, to the City Attorney's office, or to Human Resources.

Any supervisor receiving a report as cited above will promptly consult with the City Attorney's office and Human Resources and thereafter will, after appropriate investigation, take timely remedial or other action warranted under the provisions of this policy. The supervisor will also promptly report the matter to higher management.

Sustained allegations of ethical violations subject City employees to discipline up to and including termination of employment. In addition, depending upon the nature of the ethical violation, there are potential civil and criminal penalties. For additional information on potential penalties, see §2-2-145, Montana Code Annotated and Section 1-100 of the Billings Municipal City Code.

## **CODE OF SAFE PRACTICES**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings is concerned with the health, safety, and welfare of its employees. Accident prevention is of primary importance to both the City and its employees. Every employee is expected to act safely and to report hazardous conditions.

The following general safety rules apply to all employees. Additional rules governing the safety of specific occupations or job situations may be issued by departments or divisions. Employees should study these rules carefully, and direct questions to a supervisor. Strict adherence is required. Understand that no set of rules can cover all work situations - employees must use good judgment and participate fully in employee safety education and training.

1. Comply with all safety rules and signs.
2. Follow good housekeeping practices.
3. Correct unsafe conditions or report them to your supervisor.
4. No horseplay is allowed at any time.
5. Report injuries and seek first aid or medical attention promptly.
6. Use proper lifting techniques and do not attempt to lift a load that is too heavy without assistance.
7. Operate equipment only if you are trained to operate it safely and have proper authorization.
8. Use the right tools for the job and operate all equipment in a safe manner.
9. Do not attempt to repair, clean or adjust machinery while it is in operation.
10. Electrical repairs must be done by authorized maintenance personnel.
11. Use proper personal protective equipment if required for the job (safety shoes, eye and ear protection, respiratory protection, gloves, protective clothing, etc.)
12. Do not use audio headphones while on duty.
13. Use seatbelts where provided at all times while riding or driving in a City vehicle or in a personal vehicle on City business; ensure that all passengers use seatbelts.
14. Obey all traffic rules.
15. Working under the influence of alcohol or non-prescribed drugs is prohibited. Inform the supervisor if you are taking prescription drugs that may interfere with your work performance or safety.

### **PROCEDURE**

Any accident/injury must be reported immediately to the employee's supervisor and City Risk & Safety Officer in Human Resources. The accident/injury will be reported on the Accident/Injury Form found on the City's website under Human Resources, Forms and Resources. Any accident/injury of a serious nature

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requiring immediate attention shall be immediately reported by telephone to the City Risk & Safety Officer and be followed up in writing.

Any employee who believes a safety risk or hazard exists should complete a Safety Suggestion/Complaint Form found on the City's website under Human Resources, Forms and Resources. The form is submitted to the City Risk and Safety Officer in Human Resources.

## **DISCIPLINARY POLICY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings endeavors to maintain a positive and productive work environment. Each employee contributes towards creating that positive and productive work environment by meeting acceptable levels of job performance for their position. The City views discipline as a tool for improving job performance and employee behavior.

The following is a non-exhaustive list of conduct that may result in discipline, up to and including discharge:

- Obtaining employment based on false or misleading information.
- Falsification of employment records, employment information, or other City records.
- Theft, removal, or defacing of City property or a co-worker's property.
- Removing or borrowing City property, equipment, or materials without prior authorization.
- Unauthorized use of City equipment, time, materials, or facilities.
- Disclosure of the City's confidential or proprietary information, or disclosure of any member of the public or third-party's confidential or proprietary information entrusted to the City.
- Dishonesty.
- Violation of the City's Hostile/Offensive Work Environment Policy.
- Violation of the City's Mutual Respect Policy.
- Violation of the City's Anti-Harassment Policy.
- Violation of the City's Drugs and Alcohol Policy.
- Violation of the City's Code of Safe Practices Policy.
- Violation of the City's Information Services Security Policy.
- Threatening, intimidating, coercing, or otherwise interfering with the job performance of co-workers.
- Insubordination, including but not limited to, failure or refusal to follow lawful instructions of a supervisor or manager.
- Abusive, intimidating, or threatening language or physical conduct towards a co-worker, management, guest, or member of the public.
- Failure to perform assigned job duties.
- Poor or irregular attendance, habitual lateness, or excessive unexcused absences.
- Abusing sick leave accruals by reporting sick when the employee is not sick or obtaining sick leave pay under false pretenses.
- Falsifying employee's payroll timekeeping records.

- Willful or careless destruction or damage to City property or equipment, or to the property or equipment of a co-worker.
- Wasting work material.
- Working unauthorized overtime hours.
- Unsatisfactory job performance or attitude.
- Disruption of the workplace.
- Committing a fraudulent act or a breach of trust.
- Carrying unauthorized firearms or any other weapon on City premises.
- Bullying, intimidation, or harassment of a co-worker, management, guest, or member of the public.
- Misuse of City computers or email to send or download pornographic images.
- Misuse, unauthorized personal use, embezzlement, or theft of City funds.
- Excessive use of cellular phones during work hours.
- Excessive personal email use.
- Accepting fees, gifts, or other valuable items over \$50 in the performance of the employee's official duties for the City.
- Failure to report acts of harassment, discrimination, equal opportunity, safety concerns, or other violations of City policy.
- Any other violation of written City policy or procedure.

It is the policy of the City of Billings that employees who fail to perform their jobs in a satisfactory manner, or whose behavior interferes with or disrupts agency operations be subject to disciplinary action, up to and including termination. The City uses informal disciplinary action and formal disciplinary action. "Informal disciplinary action" means corrective action taken to improve unsatisfactory employee behavior, conduct, or performance. Informal disciplinary action may include, but is not limited to, verbal coaching, counseling meetings, oral warnings, and training. "Formal disciplinary action" means, but is not limited to, a written warning, suspension without pay, demotion, disciplinary demotion, or termination. The City handles each potential discipline situation independently and will determine proper discipline in its sole discretion. The City is not required to take any disciplinary action before making an adverse employment decision, including termination. Management may implement disciplinary actions under this policy regardless of whether a performance evaluation has been completed.

## **PROCEDURE**

If any employee has knowledge regarding violations of this policy, it is their responsibility to report it to their immediate supervisor, Department Head or Human Resources Director immediately. Failing to report violations of this policy may result in discipline, up to and including termination of employment.

Supervisors are required to coordinate with Human Resources prior to conducting discipline at a written warning level or greater to ensure consistency throughout the City of Billings. Regardless of the level of discipline, the employee will be informed of the action being taken and the reason for the action, and the employee will have the opportunity to respond.

Supervisors must complete a Corrective Action Form for each formal disciplinary action. The Corrective Action Form is found on the City's website under Human Resources, Forms and Resources. Employees will be asked to sign this form indicating they have received it. If an employee elects not to sign, then this should be noted on the form. Employees should be given a copy at the time of the discussion. The original

Corrective Action Form is sent to Human Resources and is then placed in the employee's file. If an employee disagrees with the discipline, then they may attach a rebuttal to the Corrective Action form.

### **Verbal Coaching**

The immediate supervisor schedules a meeting with the employee to bring attention to the existing performance, conduct or attendance issue. The supervisor discusses with the employee the nature of the problem or the violation of City policies and procedures. The supervisor clearly describes the expectations and steps the employee must take to improve performance or resolve the problem.

The supervisor documents the date, time, and details of the discussion with the employee and reiterates improvement is expected, or further discipline may apply. The supervisor informs the employee documentation for this incident will not go into their personnel file. The supervisor should retain their notes from this meeting in order to ensure consistency in the supervisor's instructions to their employees.

Informal counseling is not formal disciplinary action, does not require a corrective action form, and is not subject to the grievance process.

### **Oral Warning**

The immediate supervisor schedules a meeting with the employee to discuss the existing performance, conduct or attendance issue. The employee is provided with an explanation of when and how the behavior occurred and the reasons why the behavior or action was unacceptable. The employee is provided with an opportunity to explain the situation and give their side of the story.

The supervisor documents the Oral Warning on a Corrective Action Form. The employee signs the Oral Corrective Action Form as proof they received it. The supervisor provides a copy to the employee and forwards another copy to Human Resources to be placed in the employee's personnel file.

An oral warning is a formal disciplinary action however it is not subject to the grievance process.

### **Written Warning or Written Corrective Action**

A written warning notifies an employee of unsatisfactory performance or conduct. This Written Corrective Action involves more formal documentation of the performance, conduct, or attendance issues and consequences for continued misconduct. A supervisor should include relevant documentation and other evidence of the facts as appropriate under the circumstances to give the employee notice of the allegations. An employee must be notified that the employee has a right to respond.

The immediate supervisor meets with the employee to review any additional incidents regarding performance, conduct or attendance issues as well as any prior corrective action plans. The employee is given an opportunity to explain their side of the story and present any evidence or information relevant to the allegations. The supervisor outlines the consequences for the employee of their continued failure to meet performance or conduct expectations.

A Written Corrective Action requiring the employee's improvement is issued by the supervisor to the employee. The Written Corrective Action outlines the expected improvement plan for the employee. The employee may be subject to additional discipline if improvement is not demonstrated.

The employee signs the Written Corrective Action as proof they received it. A copy is provided to the employee, and the original is sent to Human Resources to be placed in the employee's personnel file. In addition, Human Resources provides an electronic copy to the union when the discipline involves a bargaining employee.

A written warning is a formal disciplinary action. However, an employee may **not** file a grievance on a formal disciplinary action that results in a written warning.

#### **Due-Process Procedure and Disciplinary Action**

There may be performance, conduct or safety incidents so problematic and harmful the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee with pay pending the results of an investigation. This action requires approval from Human Resources.

If performance issues or infractions warrant suspension without pay, demotion, or termination, then the supervisor prepares a Due Process letter in coordination with Human Resources. The Due Process letter outlines the performance issues or alleged rule infractions and notifies the employee of the date, time, and location of the Due Process Hearing. The hearing will be scheduled for at least seven (7) business days from the date of the letter.

The hearing provides an opportunity for the employee to respond to the allegations made by the City. Following the hearing, the City determines the appropriate disciplinary action, and promptly notifies the employee of the decision in writing. (See the Due Process Procedure at the end of this policy.)

Suspension without pay, demotion, and termination of employment are all formal disciplinary actions. The City's due process and grievance procedures are available for each of these formal disciplinary actions.

#### **Suspension**

Suspensions without pay are subject to approval by Human Resources. For suspensions without pay for greater than one shift, City Administrator approval is required.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage- and-hour employment laws. Supervisors should consult with Human Resources regarding requirements or limitations applicable to the particular situation. Employees may not use vacation, sick, or compensatory accruals in lieu of the unpaid suspension. The Fair Labor Standards Act (FLSA) imposes certain restrictions on the manner in which exempt employees may be suspended and Human Resources should be consulted on the suspension of exempt employees to verify compliances with the FLSA.

If an employee is suspended without pay for a serious infraction, then the supervisor completes a Corrective Action Form. The employee signs the Corrective Action Form as proof that they have received it. A copy is provided to the employee and the original is sent to Human Resources to be placed in the employee's personnel file. In addition, Human Resources provides an electronic copy to the union when the discipline involves bargaining employees.

### **Demotions**

A demotion means a reduction in pay grade with a resulting decrease in salary. Demotions are not necessarily the result of or limited to reductions in grade resulting from disciplinary action. Department directors, assistant department directors, and other managerial personnel designated by the City Administrator may be reduced in grade without a right to an internal appeal through the grievance policy.

If an employee who has completed probation is demoted by the employee's own election, demoted because of a reduction in force, or demoted in a disciplinary action, the employee's salary will be adjusted. When an employee is voluntarily demoted, the new salary of the employee will be the rate closest to their present salary, but no higher than the maximum of the new salary range. When an employee is involuntarily demoted the Department Director, Human Resources Director and the City Administrator/Assistant City Administrator will determine the rate of pay. In no event will the new rate be higher than the maximum of the new salary range. The employee's evaluation date will change to the date the new position becomes effective.

### **Recommendation for Termination of Employment**

Management may recommend termination of employment when other disciplinary actions have failed to resolve a conduct or performance problem. In some circumstances determined solely by the City, an employee's conduct or performance problem may be so serious that it warrants termination on the first occurrence.

The management's recommendation to terminate employment must be approved by the City Administrator.

The employee is given a copy of the termination notice in writing and a copy is placed in the employee's personnel file. In addition, Human Resources forwards a copy of the termination letter to the union for bargaining unit employees. The employee is given the opportunity to collect personal items from their workspace and will be escorted from the location immediately.

Refer to Separation of Service policy regarding processing of the employee's final paycheck and benefits.

### **Internal Grievance Procedure**

A grievance is a complaint or dispute initiated by an employee regarding the application or interpretation of written laws, rules, personnel policies or procedures which adversely affect the employee's wages, fringe benefits, terms or conditions of employment. An employee may **not** file a grievance based on an informal disciplinary action or a formal disciplinary action that results in a written warning.

The following employees are **not** entitled to file a grievance: an employee who has not completed their probationary period, an employee that is covered by a procedure provided in a collective bargaining agreement or is covered by a statutory grievance procedure, or an employee who is hired as a temporary employee or short-term worker or an employee who is temporarily hired into a permanent position for less than 12 months and is not eligible to attain permanent status.

**Step 1 – Informal Resolution:** Within ten (10) working days of the incident's occurrence, the employee shall discuss the grievance with their immediate supervisor. The employee and supervisor are encouraged to resolve the grievance informally whenever possible.

**Step 2 – Formal Grievance:** If the grievance cannot be informally resolved, the employee must submit a written grievance to the Human Resources Director within ten (10) working days of the last discussion with the employee's immediate supervisor. The written statement shall include all the facts which the employee believes should be considered, any supporting documents, and shall state the resolution the employee believes is appropriate. The Human Resources Director shall consider the statement, investigate, if necessary (including at the Human Resources Director's sole discretion retaining a third party to investigate), and advise the employee in writing of the decision regarding the employee's grievance within forty-five (45) working days after the employee initiates the process. If the Human Resources Director is the subject of grievance or is likely to be a material witness, then the employee should skip Step 2, and submit their written grievance directly to the City Administrator at Step 3.

The grievance is resolved at Step 2 if the employee accepts management's response or if the employee fails to advance the grievance to Step 3 within ten (10) working days of the receipt of management's response.

**Step 3 – Review:** Within ten (10) working days, the employee must forward the written grievance, management's response, and a request for further review to the City Administrator. The employee must include their reasons for not accepting the resolution offered by management in Step 2. After the City Administrator reviews the grievance and all supporting documentation, the City Administrator shall provide a written response within ten (10) working days of receipt of the employee's request for further review. The City Administrator's decision is final and binding.

Working days, as referenced in this policy, are defined as Monday through Friday, not including holidays. Time limits may be extended by written mutual agreement of the parties at that step. Reasonable requests for time extensions shall not be denied.

# Due Process Hearing

## Procedures for All City of Billings Employees

**General:** This document outlines the procedural guidelines for conducting due process hearings. All departments will follow these procedures for both union and non-union employees. The due process hearing is available to **non-probationary** employees.

### City Procedure:

- A Due Process Letter will be drafted by the supervisor, in coordination with Human Resources. The letter will include a detailed description of the charges against the employee, the possible disciplinary action that may be taken, and the time, date, and place at which the employee will be given an opportunity to respond to the allegations.
- Human Resources will schedule the due process hearing. The hearing will be scheduled for at least seven (7) business days from the date of the Due Process Letter.
- A representative from Human Resources will chair the hearing for the purpose of managing the proceedings. The employee's immediate supervisor, division head or department head will summarize the evidence of misconduct, ask the employee questions, and record the employee's explanations.
- Human Resources may request that someone from the Legal Department be present. This would most likely happen when the employee has indicated that the employee will have legal counsel present at the hearing. The immediate supervisor may also request that an "expert" be present. An example might be an auditor from Finance when the issue concerns the handling of City funds. These individuals will only provide guidance to the Chair and the immediate supervisor concerning issues raised during the hearing.
- The hearing will be recorded, and a copy of the recording will be provided to the employee upon request.

### Employee Procedure:

- The employee may participate in the hearing process; may elect not to participate; or may provide written responses to the allegations set out in the Due Process Letter.
- If the employee desires to participate in the process, then the employee may either present their response to the allegations or the employee may elect to have legal counsel (if non-union employee) or a union representative present at the hearing.
- No witnesses will be allowed to testify. However, written witness statements, signed and dated by the witness, which support the employee, may be provided to the immediate supervisor for consideration.

If the employee elects not to participate in the hearing, but does wish to provide a written response to the allegations, then the employee must hand-deliver or email their written response to Human Resources no later than 5:00 PM on the last business day before the hearing is held.

## **DRESS CODE**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The purpose of a dress code is to ensure employees present themselves in a professional manner to create a positive impression to the public.

### **POLICY**

The City of Billings expects employees to be dressed appropriately for their job and work group at all times. Work attire should complement an environment that reflects an efficient, orderly, and safety-minded organization. Employees are expected to give a clean, neat and appropriate appearance while on duty. Supervisors have the authority to make the ultimate decision as to what is acceptable.

The City of Billings does not restrict grooming, clothing, or headwear styles dictated by religion or ethnicity. The City recognizes and respects the diverse backgrounds, identities and cultures of our employees. Employees are encouraged to express their cultural or religious beliefs through their attire, as long as it aligns with the general dress code guidelines.

All employees shall be aware that appropriate personal hygiene is expected. Use of colognes, perfumes, aftershave, or lotions should be used sparingly if at all. Airborne irritants in fragrances can trigger asthma, allergies, migraines, and other health issues.

Any department policy that may be more restrictive or specific will supersede this policy. It is the responsibility of supervisors and directors to enforce the dress code, and address concerns with employees who are not in compliance.

Required safety equipment shall be worn as instructed by the supervisor (See Safety Policy).

All individuals furnished uniforms by the City shall wear the uniform as instructed by the Supervisor. Clothing with city logos or other items that may identify a person as a City employee will not be worn off duty to establishments that serve alcohol or provide adult entertainment. Accessories required as part of the uniform, such as badges, etc., should be worn and appropriately displayed. Nametags and logos on uniform shirts/blouses should be affixed and in good condition.

Levels of appropriate dress can be: Business Professional or Business Casual. If allowed, casual Fridays may be observed and dress can be of a casual nature, including jeans. Supervisors have the option to cancel casual Friday if a special event or meeting warrants such a change on a Friday.

Deviations from this policy require prior approval from the Department Director.

### **Inappropriate clothing**

Below are examples of inappropriate clothing:

- Clothing or headwear with political slogans, including logos or references to gangs or extremist groups.
- Clothing or accessories with offensive slogans or pictures, (e.g., profanity, nudity, offensive gestures), derogatory words or services, alcoholic beverages, tobacco products, or other products inappropriate for a workplace.
- Clothing that is ill fitting, faded, stained, discolored, excessively torn, ripped or frayed.
- Clothing that does not cover the chest or midriff area.
- Ill-fitting or extremely short skirts or shorts, providing shorts are acceptable attire within the employee's division

Employees who violate the dress code may be sent home to change, and may be subject to disciplinary action. Employees sent home to change will not be paid for the travel time.

### **Jewelry and Tattoos**

The City of Billings recognizes that personal appearance can be an element of self-expression and strives not to control or dictate appearances, specifically with regard to jewelry or tattoos worn as a matter of personal choice. Self-expression is allowed unless it conflicts with an employee's ability to perform their job effectively, or is regarded as offensive or harassing towards others. Employees should exercise appropriate judgement with regard to personal appearance.

Factors considered when determining whether jewelry or tattoos conflict with the employee's job or work environment include:

- Personal safety of employee or others, or damage to company property
- Interference with productivity or performance expectations
- Offensiveness to co-workers, customers, vendors, or others in the workplace
- Professional or societal norms
- Customer complaints

Below are some examples of potentially offensive tattoos or jewelry:

- Bashing of a specific religion, race or gender
- Profanity or controversial phrases
- Bashing or mocking City of Billings values
- Displaying, bashing or promoting political figures
- Promoting weapons or threats of physical or emotional harm
- Displaying nudity or sexual innuendos
- Promoting drug or alcohol use

If the City of Billings determines an employee's jewelry or tattoos conflicts with their job or work environment, the employee will be required to take appropriate actions, such as removal of excess or offensive jewelry, covering of tattoos, or other reasonable means to resolve the conflict.

## **PROCEDURE**

All employees should adhere to the provisions of the Dress Code Policy. An employee concerned whether their attire is questionable, SHOULD NOT wear it!

Questions should be directed to their Supervisor or Human Resources.

## **FRATERNIZATION**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

This policy is to ensure a safe and professional work environment. It is necessary to establish a limitation between co-workers' professional and personal life. The policy does not prevent the development of friendships or even romantic relationships between coworkers, but it sets boundaries within the workplace and allows employees to conduct themselves to respect peers.

### **POLICY**

When a supervisor and an employee who is under his or her supervision are involved in any personal relationship and the supervisor has the ability to influence the subordinate's terms and conditions of employment (including but not limited to pay, benefits, and advancement), a conflict within the work unit may arise. The City has a legitimate governmental interest in regulating such relationships. As such, romantic relationships between supervisors and subordinate employees are not permitted.

Before developing romantic relationships, employees should consider the potential for:

- Workplace gossip
- Conflicts of interest
- Sexual harassment allegations
- Favoritism
- Repercussions of a break-up
- Work distraction

Employees who engage in consensual romantic relationships must conduct themselves in an appropriate professional manner while on City property. They should not engage in any inappropriate behavior that may cause their coworkers to feel embarrassed, awkward or uncomfortable. This includes, but is not limited to intimate contact such as:

- Kissing
- Prolonged hugging
- Hand holding
- Massaging
- Personal texts, emails, phone calls

## **PROCEDURE**

It is incumbent on a supervisor to report to their Department Director and the Human Resources Department any actual or apparent conflicts any time the supervisor can influence or appear to influence the terms and conditions of employment of the subordinate or peers of the subordinate. The City will investigate any reported or suspected conflicts and determine any remedial measures that need to be taken.

## HOSTILE/OFFENSIVE WORK ENVIRONMENT

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

City of Billings expects employees to behave in a professional manner and to treat co-workers, customers, and vendors with dignity and respect. City employees have the right to pursue their careers free of threats, intimidation, violence, and bullying. Demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment and bullying is expected of all employees.

**Hostile work environment harassment** occurs when unwelcome comments or conduct based on sex, race or other legally protected characteristics unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment. Anyone in the workplace might commit this type of harassment – a supervisor, coworker, or non-employee, such as a contractor, vendor, or guest. The victim can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed.

**\*A claim of harassment** generally requires several elements, including:

1. *The complainant must be a member of a statutorily protected class;*
2. *The complainant must subjected to unwelcome verbal or physical conduct related to their membership in that protected class;*
3. *The unwelcome conduct complained of was based on their membership in that protected class;*
4. *The unwelcome conduct affected a term or condition of employment and/or had the purpose or effect of unreasonably interfering with their work performance and/or creating an intimidating, hostile or offensive work environment.*

*An employer violates Title VII of the Civil Rights Act of 1964 if it engages in unlawful discrimination by maintaining a hostile work environment. To prove a hostile environment claim involving co-workers, an employee must show they were subject to unwelcome harassment based on a protected characteristic and that the harassment was severe or pervasive enough to create a hostile or abusive working environment.*

*In order to prevail on a hostile work environment claim, a person must show the workplace was "permeated with discriminatory intimidation . . . that was sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment." This environment must be perceived as both subjectively and objectively abusive.*

**What is Not Harassment?**

*The anti-discrimination statutes are not a general civility code. Thus, federal law does not prohibit simple teasing, offhand comments, or isolated incidents that are not extremely serious. Rather, the conduct must be so objectively offensive as to alter the conditions of the individual's employment. The conditions of employment are altered only if the harassment culminates in a tangible employment action or is sufficiently severe or pervasive to create a hostile work environment.*

To ensure a positive work environment, the following guidance is provided:

- 1) Develop an understanding for different cultures and other personal differences;
- 2) Refrain from arguing or inciting co-workers and/or customers;
- 3) Avoid:
  - Telling racist, sexist, homophobic, transphobic, or xenophobic jokes or stories;
  - Teasing, name calling, ridiculing, insulting, mocking, mimicking or repeatedly commenting on or making gestures about an individual's disability, accent, hair, or other protected characteristic;
  - Using "pet" names or sex-based nicknames or other forms of stereotypes;
  - Insults, put downs, trash talk
  - Bullying
  - Threats, intimidation, aggression
  - Teasing
  - Other acts of hostile or violence
- 4) Refrain from spreading gossip or innuendo.

Examples of conduct that may constitute hostile/offensive work environment violations, singly or in combination, includes, but are not limited to, the following:

- Obstruction of an individual's movements, such as blocking them from leaving their office, cubicle, or workspace.
- Inappropriate physical contact or horseplay.
- Offensive, sexual, racist, or intimidating comments, gestures, insensitive jokes, or pranks.
- Sending or displaying offensive materials or inappropriate jokes via email or other electronic means.
- Frequent mocking, mimicking, teasing, or belittling an individual or making derogatory or stereotypical remarks based on a protected characteristic, such as race, gender, or religion;
- Shunning or deliberately excluding an individual because of a protected characteristic, such as race, gender, or religion.
- Racist or other discriminatory behavior, including the use of slurs or other offensive terms.
- Frequent sexual advances, communication, or other offensive behavior especially after the person has been asked to stop.
- Discussion of sexual activities, even if it is not related to the individuals in the conversation.
- Comments about the physical appearance of others.
- Racist or other discriminatory behavior, including the use of slurs or other offensive terms.
- Any form of unwelcome touching, even hugging.
- Any other behavior that is demeaning or threatening.

Offensive conduct can come in many forms, such as face-to face interactions, e-mail, social media, texts, documents, message boards, pictures, symbols or objects. People can be harassed even if they are not the intended target. Petty slights, annoyances, and isolated incidents (unless extremely serious) generally will not rise to the level of a hostile work environment.

Violation of this policy occurs when an employee believes the behavior of co-workers, customers, or vendors substantially interferes with their ability to function at work by placing that employee in reasonable fear of physical harm or by causing emotional distress. It is the employee's duty to report the offensive behavior. Managers and supervisors who knowingly allow or tolerate offensive behaviors, including failure to immediately report misconduct to Human Resources, are in violation of this policy and may be subject to discipline.

## **PROCEDURE**

### **Reporting and Resolution**

The employee may address the situation directly and inform the accused the conduct is unwelcome and must stop. If the inappropriate conduct does not cease, or if the employee is unable to or is uncomfortable addressing the accused directly, then they should submit a formal complaint to their supervisor, or to the Human Resources (HR) Director. It is important to provide written record of the date, time and nature of the incident(s) and the names of any witnesses.

Use the Hostile/Offensive Work Environment Complaint form to report policy violations to the HR Director or a supervisor immediately. The complaint form is found on the City's website under Human Resources, Forms and Resources. An impartial investigation will begin as soon as possible, and appropriate action will be taken to prevent the prohibited conduct from continuing.

The formal complaint of hostile offensive work environment violations should provide as much information as possible:

- The name, department and position of the person or persons accused of the inappropriate conduct;
- A description of the incident(s), including the dates(s), location(s) and the presence of any witnesses;
- The effect of the inappropriate conduct on the complainant's ability to perform their job, or on other terms or conditions of their employment;
- The names of other individuals who may have been subject to the same or similar conduct;
- What, if any, steps the complainant has taken to try to stop the inappropriate conduct;
- Any other information the complainant believes to be relevant to the hostile/offensive work environment complaint.

All inquiries, complaints and investigations will be treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept as confidential as possible, however, the identity of the complainant is usually revealed to the accused individual and witnesses. The HR Director will take the necessary steps to ensure that the complainant is protected from retaliation during the investigation period. All information gathered in the course of the investigation is maintained by the HR Director in secure files.

**Action**

Information gathered in the course of the investigation will be reviewed with the appropriate member(s) of management and, if warranted, the City Attorney's Office. These individuals will determine necessary action, which may include, but is not limited to no disciplinary action, education, an apology, oral and/or written discipline, suspension without pay, and termination of employment.

At the completion of the investigation, the complainant will be provided a summary of the investigation and whether disciplinary action is appropriate.

**Retaliation**

Retaliation, or attempted retaliation, for filing or responding to a bona fide hostile/offensive work environment complaint; for appearing as a witness in the investigation of a complaint; or for serving as an investigator of a complaint; is unlawful and a violation of this policy. Anyone who does so will be subject to disciplinary actions, up to and including termination. Report any retaliation to the HR Director immediately.

\*Cited from Equal Employment Opportunity Commission

## **MUTUAL RESPECT**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

It is the policy of the City of Billings to maintain a professional and respectful work and public service environment. The City will not tolerate disrespectful behavior by or towards any employee or other individual by employees, visitors or vendors. This policy establishes a standard for appropriate mutual respect that ensures employees and citizens are free of offensive remarks, material or behavior.

This policy provides for:

- 1) Fostering a workplace which values diversity, mutual respect, fairness and equality, personal dignity, positive communication, and courteous conduct.
- 2) A reporting/resolution procedure for any individual who experiences or witnesses behavior prohibited by this policy.
- 3) A response procedure for supervisors who become aware of behavior prohibited by this policy.
- 4) Accountability for violations or enforcement failures through appropriate disciplinary actions, if warranted.

To ensure a mutually respectful work environment, the following is a non-exhaustive list of employee responsibilities:

- 1) Treat others with respect, which includes developing an understanding for different cultures and other personal differences;
- 2) Set an example by respecting the dignity of all co-workers, customers and/or the public;
- 3) Recognize and refrain from actions that offend, embarrass or humiliate others;
- 4) Address disrespectful conduct with the employee displaying it or with a person in authority as soon as possible;
- 5) Refrain from arguing or inciting co-workers, customers and/or the public;
- 6) Avoid:
  - a. Insulting, bullying, yelling, ridiculing, or trash talking co-workers, customers and/or the public;
  - b. Making remarks intended to humiliate, embarrass, or criticize co-workers, customers and/or the public;
  - c. Engaging in behavior that is demeaning, patronizing or threatening to co-workers, customers and/or the public;
  - d. Making offensive or intimidating comments or gestures or insensitive jokes or pranks to co-workers, customers and/or the public; Sending or displaying offensive materials to co-workers, customers and/or the public;

- e. Mocking, mimicking, teasing, taunting, or belittling co-workers, customers and/or the public;
- f. Engaging in covert behavior, i.e., inappropriately withholding information or undermining co-workers, customers and/or the public;
- g. Shunning or deliberately excluding someone;
- h. Other acts of courtesy or disrespect; and
- i. Unlawful discrimination or harassment as defined by federal, state and local laws, and the City's related policies.

7) Refrain from spreading damaging gossip, rumors, or innuendo;

8) Do not make allegations of disrespectful behavior that are frivolous, vindictive or in retaliation.

Supervisors, who knowingly allow or tolerate disrespectful behavior, including failure to immediately report violations of this policy to Human Resources, may be subject to discipline, up to and including termination.

## **PROCEDURE**

### **Reporting and Resolution**

An employee who believes they have been subjected to a violation of this policy should first try to resolve the situation directly and inform the accused that the conduct is disrespectful and must stop. If the disrespectful conduct does not cease, or if the employee is unable to address the accused directly, then the employee must submit a formal complaint to their supervisor, or to the Human Resources (HR) Director using the Mutual Respect Complaint form found on the City's website under Human Resources, Forms and Resources. The employee must include the date, time and nature of the incident(s) and the names of any witnesses. Co-workers who witness disrespectful behavior are also expected to report the incident.

### **Action**

The City of Billings will begin an impartial investigation as soon as possible. The investigation will be kept confidential to the extent possible. However, it may be necessary to confront the accused individual who allegedly violated the policy concerning the allegation. Information gathered during the investigation will be reviewed with the appropriate member(s) of management and, if warranted, the City Attorney's Office. These individuals will determine necessary action, which may include, but is not limited to no disciplinary action, education, an apology, oral and/or written discipline, suspension without pay, and termination of employment. At the completion of the investigation, the complainant will be advised of the results of the investigation, except that specific personnel actions taken may not be revealed.

### **Retaliation**

The City of Billings does not tolerate retaliation or intimidation towards any employee or other individual who makes a written report of a violation of this policy, for participating as a witness in the investigation of a complaint, or for serving as an investigator of a complaint. Anyone who does so will be subject to disciplinary actions, up to and including termination. Report any retaliation to the HR Director immediately.

## **NON-BARGAINING RANDOM DRUG/ALCOHOL AND REASONABLE SUSPICION**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The purpose of this policy is to provide an alcohol and drug-free workplace for the protection and well-being of the City of Billings, its employees, and the public it serves along with City property, equipment, and operations. Employees are expected to report to work alcohol and drug-free in order to enable safe and efficient job performance. Employees, while on-the-job, while on department premises, or in the scope and course of employment are expected to engage in activities which are appropriate for the work environment and do not compromise the City's integrity or interest in maintaining a safe, secure, and alcohol and drug free workplace.

For purposes of random and reasonable suspicion drug testing, supervisors who are required to have Commercial Driver's Licenses are subject to the Commercial Driver's License (CDL) policy, not this policy.

### **POLICY**

The City of Billings is committed to protecting the safety, health, and well-being of all employees and the individuals with whom the employees come into contact. Therefore, the City establishes an alcohol and drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

If there are employees who have drug or alcohol problems, the City encourages affected employees to seek help through the Employee Assistance Program (EAP) and the benefits available through the City's medical plan. The City will not terminate employment, discipline, or discriminate against an employee solely because an employee voluntarily seeks treatment for an alcohol or substance abuse problem by following the City's controlled substance safe-harbor procedures prior to any occurrence, including testing notification.

The unlawful manufacture, distribution, possession, sale, transfer, or use of illegal drugs; or illegal use of a legally obtainable drug or substance; or misuse of alcohol is strictly prohibited. Illegal possession of drug paraphernalia is prohibited. As a condition of employment, all employees must abide by this prohibition while in any employment capacity with the City, and while on City property, in any City vehicle, and at any City office or facility. All employees are expected to be at work without being under the influence of drugs and/or alcohol, including controlled substances, in order to enable safe and efficient job performance.

Violation of this policy will result in the discipline set out in the attached procedures.

The provisions of the Workforce Drug and Alcohol Testing Act, Sections 39-2-205 through 39-2-211, MCA, provide the basis for this policy.

#### **DEFINITIONS:**

For the purposes of this policy.

**Alcohol** – means an intoxicating agent in alcoholic beverages, food, or medication; ethyl alcohol, also called ethanol; or the hydrated oxide of ethyl.

**Controlled Substance(s)** – means any drug, substance, or precursor included in Schedules I through V as defined by Section 812 of Title 21 of the United States Code (21 USC 812) or any drug, substance, or precursor included within the definition of "Dangerous Drug" in Title 50 Chapter 32 Part 2, Montana Code

Annotated (for example, but not limited to: cocaine and methamphetamine).

**Illegally Used Drugs / Illegal use of drugs** – means:

- a. any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes or in the prescribed manner;
- b. any other over the counter or non-drug substances (for example, but not limited to: airplane glue) being used for other than their intended purpose.

#### **EMPLOYEES SUBJECT TO THIS POLICY**

- A. Part-time and full-time employees of the City of Billings engaged in the performance, supervision, or management of work in a hazardous work environment, security position, or positions affecting public safety, are subject to Random Drug Testing. Refer to Appendix A: List of Covered Positions.
- B. All part-time and full-time employees of the City of Billings are subject to Reasonable Suspicion Drug Testing.
- C. Prospective job applicants for covered, non-bargaining positions are subject to pre-employment testing and a positive test will result in the prospective employee not being hired. Refer to Appendix A: List of Covered Positions.

#### **ROLES AND RESPONSIBILITIES:**

- A. All employees are prohibited from:
  - a. Using, consuming, distributing, or possessing alcoholic beverages, marijuana, or illegal drugs while on duty or reporting for duty while under the influence of alcoholic beverages, marijuana, or illegal drugs.
  - b. Use of, consumption of, distribution of, or possession of alcoholic beverages, marijuana, or illegal drugs by employees are prohibited in City worksites at all times whether on duty or off duty. The term "worksites" includes City vehicles and private vehicles while being used by employees in the performance of their duties.

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- c. Use, distribution, dispensation, possession, manufacture, or sale of illegal drugs while off duty which adversely affects the employee's work performance, the safety of the employee or others at work, or the City's regard or reputation in the community. This includes reporting to duty while under the influence of illegal drugs.
- d. Use of alcohol or marijuana off duty that adversely affects the employee's work performance, the safety of the employee or others at work, or the City's regard or reputation in the community. This includes reporting to duty while under the influence of alcohol or marijuana.

B. All employees shall notify Human Resources of any drug or alcohol criminal conviction no later than five (5) calendar days after conviction.

C. Supervisors are required to:

- a. attend training sessions on alcohol misuse, controlled substance misuse, and the illegal use of drugs in the workplace when offered;
- b. when reasonable suspicion is substantiated by a confirming witness, the supervisor must initiate an alcohol/drug test as described in this policy;
- c. refer employees to the City's designated Substance Abuse Professional (SAP) under appropriate conditions for assistance in obtaining counseling and rehabilitation upon a finding of alcohol abuse, use of controlled substances or illegal use of legal drugs;
- d. initiate appropriate disciplinary action upon a finding of alcohol use, controlled substance use, and/or the illegal use of legal drugs;
- e. in conjunction with Human Resources, assist higher-level supervisors and the SAP Administrator in evaluating employee performance and/or personnel problems that may be related to alcohol or marijuana misuse, use of controlled substances or the illegal use of legal drugs; and
- f. ensure confidentiality of all information regarding employee testing, disciplinary action and rehabilitation.

D. Human Resources shall:

- a. direct and implement this program to ensure it is administered consistently;
- b. consult with Department Head or designee in determining appropriate action for situations related to this program; and
- c. ensure that all records and information of personnel actions taken against employees with verified positive test results remain confidential and only shared with individuals having a legal right to access.

## **PROCEDURE**

### **I. EMPLOYEE ASSISTANCE PROGRAM**

A. Any employee needing help in dealing with drug or alcohol problems is encouraged to use the City's Employee Assistance Program (EAP) and the benefits available through the City's medical plan. Additional information regarding the City's EAP is available in Human Resource's Policy Manual-Employee Assistance Program Policy. Employees who have questions or need more detailed information should contact Human Resources. The City EAP plays an important role in preventing and resolving problem alcohol and drug use by:

- a. Providing confidential counseling and assistance to employees and their qualifying family members who self-refer for treatment or whose tests have been verified positive and monitoring the employee's progress through treatment and rehabilitation.
- b. Providing educational materials and training to employees on alcohol & drug use issues.
- c. Ensuring the confidentiality of test results and related medical treatment and rehabilitation records, which they maintain.

B. The EAP will not be involved in the collection of test samples or the initial reporting of test results. The City's designated testing professional will be responsible for such testing.

## **II. SAFE HARBOR REFERRAL**

- A. A fundamental purpose of the City's Alcohol and Drug-Free Workplace Policy and Procedures is to assist employees who themselves are seeking treatment for alcohol, controlled substance use or misuse of prescription drugs. For this reason, the City will not initiate disciplinary action against any employee regarding the disclosure of his or her drug or alcohol related problem when the employee meets all three of the following conditions:
  - a. Voluntarily identifies him/herself to Human Resources as an abuser of alcohol and/or marijuana and/or illegal drugs and/or as someone who misuses prescription drugs, as they apply to this policy, prior to being identified through other means, such as reasonable suspicion, or prior to being asked to provide a urine and/or breath sample for testing;
  - b. Obtains evaluation, counseling or rehabilitation from an approved facility; and
  - c. Thereafter refrains from using controlled substances or misusing prescription drugs and/or alcohol. The employee may be subject to a return-to-work agreement.
- B. This provision is not intended to allow an employee to evade disciplinary action. The key to this provision's rehabilitative effectiveness is an employee's willingness to admit his/her problem. Since the key to this provision's rehabilitative effectiveness is an employee's willingness to admit the problem, this provision is not available to an employee who requests protection under this provision after:
  - a. Being identified through other means; or
  - b. Being asked to provide a urine sample for testing; or
  - c. Having a verified positive test result for alcohol and/or controlled substances pursuant to this policy.
- C. Drug or alcohol related incidents that are subject to discipline and occurred prior to seeking Safe Harbor are not covered by Safe Harbor protections.

## **III. ALCOHOL, CONTROLLED SUBSTANCE. AND/OR DRUG MISUSE**

These prohibitions apply while an employee is on duty in City-owned facilities, any City-owned property; any City owned or rented vehicle and any City approved activity.

- A. Employees are prohibited from consuming alcohol or controlled substances or engaging in the illegal use of drugs while on duty, during an approved activity such as training, or while on standby.
- B. Employees are prohibited from reporting to work or to a city approved, work-related activity under the influence of alcohol or drugs.

- C. Employees are prohibited from reporting to work or to a City approved activity exhibiting signs of having consumed alcohol or marijuana (such as the odor of alcohol on the breath or the smell of marijuana on the body or clothes) or controlled substances, or of engaging in the illegal use of drugs.
- D. This policy includes unanticipated call-out situations. If an employee cannot meet the requirements of call-out, it is his or her responsibility to tell a supervisor or person initiating the request to return to work that he/she cannot report to work. He/she shall suffer no reprisals for doing so.
- E. Alcohol and marijuana are legal substances for those ages 21 or older. Therefore, it is not the intention of this policy to prohibit employees from consuming alcohol or marijuana when not on duty and the employee's performance of duties has concluded for the day. Employees are expected to use good judgment and behave in a professional and respectable manner while representing the city at work-related events that are connected to their job duties.
- F. Misuse of drugs/and or alcohol as set out in this policy and these procedures or performing any duties under the influence of drugs and/or alcohol is a violation of this policy and will result in disciplinary action as set forth herein.
- G. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited.
- H. The illegal use of a legally obtainable drug or substance is prohibited.
- I. Use and possession of legally obtained prescription drugs when taken as prescribed and over-the-counter drugs is not prohibited by this part subject to the following:
  - a. Employees who must use a prescription drug or over-the-counter medication that causes adverse side effects (e.g. drowsiness, impaired reflexes or reaction time) or may affect ability to perform work in a safe and productive manner must notify his or her supervisor prior to starting work or operating City equipment.
  - b. A supervisor, under reasonable suspicion, *may* relieve an employee from duty if it is determined that a medication is causing impairment to an employee's ability to perform the functions of his or her job. The employee will be required to utilize his/her accrued sick or leave time until such time that the employee is no longer impaired by the medication. If the employee runs out of leave time, they will then be placed in an unpaid leave status.

#### **IV. TYPES OF TESTING**

- A. Reasonable Suspicion Testing
  - a. All employees will be tested for alcohol and/or controlled substances when there is reasonable suspicion of on-duty use or impairment. Reasonable suspicion testing may be based on, but is not limited to:
    - i. observable indications, including but not limited to direct observation of drug or alcohol use or possession and/or the physical symptoms of being under the influence of a drug or alcohol such as the odor of alcohol on the breath or marijuana on the person;
    - ii. a pattern of abnormal conduct or erratic behavior;
    - iii. conviction for a drug or alcohol-related offense. An employee will be tested only once for this conviction upon return to work;
    - iv. evidence that the employee has tampered with a previous alcohol or drug test.

- b. Although reasonable suspicion testing does not require certainty, mere hunches alone are not sufficient to meet the standard for a test.
- c. If an employee is suspected of using or being impaired by alcohol, controlled substances, or illegal drugs in violation of this policy, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion and will present those for concurrence with another supervisor, up to and including the department head, if possible. The immediate supervisor, division head or department director will report the suspicion to Human Resources for further action if it is during the regular office hours of Human Resources.
- d. The employee shall remain on duty but shall not be allowed to operate a vehicle or perform job functions until the circumstances are evaluated.
- e. Employees who are subject to reasonable suspicion testing shall be transported to and from the collection facility identified by the City as an appropriate collection site. After hours, when Human Resources is unavailable, the employee will be transported to a designated testing facility.
- f. Testing will be conducted in compliance with the selected collection site's protocols.
- g. The employee's division manager will, within 48 hours, prepare a written report on a Reasonable Suspicion Incident Record (attached), detailing the circumstances that formed the basis to warrant the testing. This report should include the appropriate dates and times of reported alcohol or drug-related incidents, reliable/credible sources of information, rationale leading to the test and the action taken. All documentation related to the determination shall be forwarded to Human Resources.

**B. Post-Incident Testing**

- a. Employees involved in critical incidents, on-the-job accidents, or who engage in unsafe on-duty job-related activities that pose a danger to themselves or others or the overall operation of the City shall be subject to testing. If the employee's act, or failure to act, results in:
  - i. Death; or
  - ii. Personal injury requiring immediate emergency room or urgent care center treatment; or
  - iii. Damage to government or private property estimated in excess of \$1,500; or
  - iv. At the request of the employee.
- b. An employee subject to post-incident testing shall remain immediately available for up to two (2) hours for such testing, or the City may consider the employee to have refused to submit to testing.
  - i. If there were extenuating circumstances that kept the employee from submitting to a test within 2 hours after the incident, Human Resources shall evaluate those circumstances and make the final determination as to whether or not it will be deemed a refusal.
  - ii. An employee subject to post-incident testing shall not consume alcohol or drugs, either legal or illegal, prior to the testing. Exceptions may be made for previously prescribed maintenance medications and/or medications administered to treat any personal injury.

- c. If a test under this provision is not administered within two (2) hours of the occurrence, the supervisor shall document the reason(s) why it was not promptly administered. If more than eight (8) hours pass, then no alcohol test will be administered. If more than thirty-two (32) hours pass, no drug test shall be administered. If either test is not completed, Human Resources shall document the reason(s) why.

**C. Random Testing**

- a. Random testing for alcohol and/or controlled substances will be conducted on all covered employees before, during or after their scheduled shift.
- b. Random tests will be unannounced and will occur throughout the calendar year.
- c. The random selectees will be notified by a designated human resources representative using a lottery system conducted by an outside agency. The Random, the CDL, and the FTA testing will be conducted by the same agency. To ensure that all employees who have been designated for testing have an equal chance of being randomly tested, a scientifically valid random process is used.
  - i. The annual number of random alcohol tests will be no more than ten percent (10%) of the average number of employees' subject to random testing.
  - ii. The annual number of random drug tests will be no more than twenty-five percent (25%) of the average number of employees' subject to random testing.
- d. Human Resources will notify the employee's supervisor or designee and provide the name of the individual selected for random testing. The employee shall not be given advance notice of the scheduled testing. Upon notification by the supervisor, employees shall proceed immediately to the testing site.

**D. Substances Tested For During Reasonable Suspicion, Post-Incident and Random Testing**

- a. The City will test for the following substances:
  - i. Alcohol;
  - ii. Marijuana;
  - iii. Cocaine;
  - iv. Amphetamines;
  - v. Methamphetamine;
  - vi. Opiates; and
  - vii. Phencyclidine (PCP).

The following cutoff concentration shall be applicable to determine whether specimens are negative or positive for the following drugs or classes of drugs utilizing the initial test procedure. The cutoff levels used by the Department's DHHS certified lab may change, and if so, those changes will be published in the Code of Federal Regulations and Federal Register and shall take precedence over the levels listed herein. All cutoff concentrations are expressed in nanograms per milliliter (ng/mL).

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Type of drug or metabolite	Initial test	Confirmation test
*(1) Marijuana metabolites (i) Delta-9-tetrahydrocanna-binol-9-carboxylic acid (THC)	50	15
(2) Cocaine metabolites (Benzoylecggonine)	150	100
(3) Phencyclidine (PCP)	25	25
(4) Amphetamines	500	250
(i) Amphetamine	500	250
(ii) Methamphetamine <sup>1</sup>		250
(5) Opiate metabolites	2000	
(i) Codeine		2000
(ii) Morphine		2000
(iii) 6-acetylmorphine (6-AM) <sup>2</sup>		10
(iv) MDMA <sup>6</sup>	500	250

\*Cutoff levels utilized for Reasonable Suspicion and Post-Incident Tests only.

<sup>1</sup> Specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/mL.

<sup>2</sup> Test for 6-AM in the specimen. This test conducted only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.

<sup>6</sup>Methylenedioxymethamphetamine (MDMA).

- b. Employees should be aware that use of hemp oil products will not be an acceptable defense for a positive Delta-9-tetrahydrocanna-binol-9-carboxylic acid (THC) test.
- c. Alcohol shall be confirmed positive if both the initial and confirmation tests reveal a breath alcohol content of greater than .04 grams of alcohol per 210 liters of breath or higher. If the initial and confirmation test is above .02 but .04 or below, the employee will not be allowed to perform safety-sensitive functions until the start of his or her next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.

**E. Return to Duty and Follow-up Testing**

- a. After a verified positive test result for drugs and/or alcohol, employees must have a negative test result before returning to work.

- b. All employees referred through administrative channels that undergo counseling or rehabilitation program will be subject to unannounced drug and/or alcohol testing for a period of one year following completion of such a program.
  - i. Such employees shall be tested at the frequency recommended by the SAP.
  - ii. Return to duty testing is distinct from testing which may be imposed as a component of a rehabilitation program.
- c. Confirmation of and continuing participation in a rehabilitation program, as recommended by SAP, is required of an employee returning to duty.
- d. In some instances, SAP may require completion of a program prior to returning to duty.
- e. The SAP will notify Human Resources when an employee has completed a rehabilitation program.
- f. After an employee returns to work during or following a rehabilitation program, a single positive test result for alcohol or a controlled substance or the illegal use of a legal drug or failure to successfully complete the recommended rehabilitation program will result in referral to Human Resources, and the penalty for any conduct described in this part shall be termination of employment.

## **V. TEST PROCEDURES**

- A. Drug testing will be done by the split sample method. Testing services shall be provided by a designated contractor at a designated collection site with collection personnel trained in accordance with U.S. Department of Health and Human Services (DHHS) standards and analyzed by an independent DHHS certified lab. The personnel involved in testing and processing results are not employees of the City.
- B. Employees subject to testing shall comply with all requirements of the testing process and personnel. Employees will complete all requirements of initial and follow-up tests. Failure to do so will result in termination of employment.
- C. Procedures for Alcohol Testing
  - a. All alcohol tests will be by breath testing only.
  - b. Upon arrival at the collection site, the employee will show photo identification. Acceptable identification includes an actual Montana driver's license or department ID.
  - c. Initial breath alcohol testing.
    - i. Initial breath alcohol testing is performed by a Breath Alcohol Technician (BAT) who is employed by the collection facility and who is trained in the operation of an evidential breath testing device (EBT) as approved by the National Highway Traffic Safety Administration (NHTSA).
    - ii. The employee will receive instructions such as 'blow with a strong continuous breath until advised to stop.'
    - iii. If the result of the initial breath test is an alcohol concentration of .02 or greater, a confirmatory test shall be conducted.
  - d. Confirmation or verification alcohol breath testing

- i. Confirmation/verification tests shall only be conducted by a Breath Alcohol Technician who is employed by the collection facility.
- ii. The confirmatory test may be conducted on the same EBT as the initial test.
- iii. Before the confirmatory test is given, the employee shall be observed for 20 minutes prior to testing and shall be instructed not to eat, drink, or place anything in his/her mouth until the conclusion of the breath test.
- iv. The employee will receive instructions such as 'blow with a strong continuous breath until advised to stop.'
- v. Collection site personnel may require the employee to sign forms.
- vi. If the employee has any concerns following the testing process, the employee should advise a supervisor at the collection site, the employee's supervisor, or Human Resources.

**D. Procedures for Drug Testing**

- a. An employee will be verbally notified by a supervisor that he/she has been chosen for a random drug test.
- b. The employee will report immediately to the collection site.
- c. The employee will strictly follow all directions from collection site personnel before, during, and after collection.
- d. Upon arrival at the collection site, the employee will show photo identification. Acceptable identification includes an actual Montana driver's license or Departmental ID.
- e. The employee will remove outer garments, such as a jacket or coat. The employee will not be required to remove clothing such as a shirt and pants and will not be required to put on a hospital gown. All personal belongings, such as a bag or purse, must remain with the outer garments. The employee may retain a small wallet.
- f. An employee subject to testing for controlled substances or illegally used drugs under this policy shall be permitted to provide urine specimens in private and in a restroom stall or similar enclosure so that the employee is not visually observed while providing the sample.
- g. Collection site personnel may be within hearing range so they can confirm the sample was physically produced at that time.
- h. The employee is encouraged to observe the entire collection procedure.
- i. Collection site personnel may require the employee to sign forms.
- j. If the employee has any concerns following the testing process, the employee should advise a supervisor at the collection site, the employee's supervisor, or Human Resources.

**VI. SPECIAL DRUG TESTING PROCEDURES**

**A. Direct Observation Testing**

- a. Collection site personnel of the same gender as the employee tested may observe the employee provide the urine specimen when:

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- i. Collection site personnel may have reason to believe that a particular individual has altered or substituted the specimen, or
- ii. the employee has previously tampered with a sample, or
- iii. the employee has equipment or implements capable of tampering with or altering urine samples.

- b. Direct observation shall not be the norm.
- c. In addition to the procedures listed under Random Testing, the procedure will include direct inspection of the employee with shirt lifted and trousers lowered.
- d. Collection site personnel will directly observe the urine leaving the body and entering the collection container.

**B. Specimen Temperature Outside of Range**

- a. If the temperature of the specimen is outside the range of 32-38 degrees C / 90-100 degrees F or shows signs of contaminants, then there is reason to believe the donor may have altered or substituted the specimen, and another specimen shall be collected for testing under the direct observation of a representative from the collection facility.

**C. Dilute Sample**

- a. If the Medical Review Officer (MRO) notifies the city that an employee's test was positive and dilute, the test will be treated as verified positive. The employee shall not be required to submit another test.
- b. If the MRO notifies the city that an employee's test was negative and dilute, and there is no acceptable medical explanation, the following procedures will be followed. If the employee declines to complete or does not complete these procedures, it will be treated as a refusal.
  - i. If the creatinine concentration of the dilute specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL, another sample will be collected under direct observation.
    1. This test will be conducted unannounced (with the minimum possible advance notice) as soon as possible after the initial test.
    2. The employee will be escorted by a supervisor immediately to the collection site.
    3. The employee will be directed not to ingest anything until after the test is completed.
    4. If the result of the direct observation test is also negative and dilute, the employee will not be required to take an additional test. The result shall be considered confirmed positive.
  - ii. If the creatinine concentration of the dilute specimen is greater than 5 mg/dL, another test will be collected, but shall not be conducted under direct observation, unless there is another basis for utilization of direct observation.

1. This test will be conducted unannounced (with the minimum possible advance notice) as soon as possible after the initial test.
2. The employee will be directed not to ingest anything until after the test is completed.

iii. If the 2nd specimen is positive and dilute, the test will be treated as positive.

iv. If the specimen is again negative and dilute, the following procedure will apply:

1. If the creatinine concentration of the second dilute specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL, another test will be collected under direct observation in the same manner as listed under C2a above.
2. If the result of this direct observation test is also negative and dilute, the employee will not be required to take an additional test because the result was dilute. The result shall be considered confirmed positive.
3. If the creatinine concentration of the second dilute specimen is greater than 5 mg/dL, the employee will not be required to take an additional test because the result was dilute. The test will be considered negative.

D. Insufficient Urine Specimen Volume

45mL of urine is required to constitute sufficient testing volume. If the employee does not provide sufficient volume, the following “shy bladder” procedures will apply. If the employee declines to complete or does not complete these procedures, it will be treated as a refusal.

For purposes of this section, permanent or long-term medical conditions are those physiological, anatomic, or psychological abnormalities documented as being present prior to the attempted collection, and considered not amenable to correction or cure for an extended period of time, if ever. Examples would include destruction (any cause) of the glomerular filtration system leading to renal failure; unrepaired traumatic disruption of the urinary tract; or a severe psychiatric disorder focused on genitourinary matters. Acute or temporary medical conditions, such as cystitis, urethritis or prostatitis, though they might interfere with collection for a limited period of time, cannot receive the same exceptional consideration as permanent or long-term conditions.

E. Shy Bladder Procedure:

- a. The insufficient specimen will be discarded. Specimens may not be combined.
- b. Employees will be advised to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. The employee may decline to drink, but will still be required to provide a sufficient urine specimen.
- c. The employee shall remain in the testing area under observation during the three-hour period.

- d. If the employee has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection attempt will be discontinued, and the employer will be notified.
- e. The employee will be directed to obtain, within seven calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. (The MRO may perform this evaluation if the MRO has appropriate expertise.)
- f. After completing the evaluation, the referral physician must provide a written statement of his/her recommendations and the basis for those to the MRO. Detailed information on the employee's medical condition beyond what is necessary to explain the conclusion must not be in this statement. The MRO will seriously consider and assess the referral physician's recommendations in making a determination about whether the employee has a medical condition that has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine. The MRO will notify Human Resources as soon as a determination is made.
  - i. If the employee refuses to obtain the evaluation, the test will be deemed a refusal.
  - ii. If the evaluation determines the employee has a medical condition, and the medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine, the test will be cancelled.
  - iii. If the evaluation determines that the employee's medical condition is a serious and permanent or long-term disability that is highly likely to prevent the employee from providing a sufficient amount of urine for a very long or indefinite period of time, the MRO will conduct a further medical evaluation to determine if there is clinical evidence that the employee is using a controlled substance or illegally using drugs.
    - 1. If the medical evaluation reveals no clinical evidence of controlled substance use or illegal use of drugs, the test result shall be negative.
    - 2. If the medical evaluation reveals clinical evidence of controlled substance use or illegal use of legal drugs, the test result shall be cancelled. (Because this is a cancelled test, it does not serve the purposes of a negative test, i.e., the employer is not authorized to allow the employee to begin or resume duty, because a negative test is needed for that purpose).
  - iv. If the evaluation determines that there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine, the test will be considered a refusal.

**VII. TEST REFUSAL**

- A. Refusals will result in administrative action the same as if the test was verified positive. In the case of a breath test refusal, administrative action will be the same as if the test was verified in excess of .04.
- B. Employees will be considered to have refused testing if they:
  - a. Refuse to provide a specimen; or
  - b. Refuse to complete all required tests as directed; or
  - c. Fail to report for a required test at the scheduled time; or
  - d. Engage in conduct that clearly obstructs the testing process; or
  - e. Tamper with the test; or
  - f. Alter or substitute the specimen; or
  - g. Fail to provide adequate breath or specimen volume without a verified medical explanation.

**VIII. DEFERRAL OF TESTING**

- A. An employee selected for random drug and alcohol testing may obtain a deferral of testing if Human Resources concurs that a compelling need necessitates a deferral on the grounds that the employee is:
  - a. In a leave status (sick, annual, administrative or leave without pay); or
  - b. In official travel status away from the test site or imminently embarking on official travel scheduled prior to testing notification.
- B. An employee whose random drug and/or alcohol test is deferred will be subject to testing on his/her next regularly scheduled work shift.

**IX. POSITIVE TEST RESULT PROCEDURE**

- A. Samples testing positive for controlled substances or illegally used drugs will undergo further testing to identify the specific type of drug(s) or substance(s) in the specimen.
- B. The applicant or employee will be contacted by the MRO and have the opportunity to provide an explanation of a positive result, which may include providing medical documentation of lawful use of a prescription or over-the-counter medication.
- C. If the MRO determines there is no justification for the positive result, such result will then be considered a verified positive test result.
- D. The MRO shall notify Human Resources of a verified positive test result.
- E. The MRO will notify the employee of the verified positive test result. Once notified, the employee may within 72 hours of notification request the split specimen be tested by another DHHS certified lab.
- F. If the employee is unable, for a legitimate reason, to make this request within 72-hour period, the split specimen test will automatically be conducted.

G. The employer shall pay for the additional test if the additional test results are negative, and the employee shall pay for the additional tests if the additional tests are positive.

**X. FINDINGS AND ADMINISTRATIVE DISCIPLINARY ACTION**

- A. An employee may be found in violation of this policy on the basis of any appropriate evidence including, but not limited to:
  - a. Direct observation of prohibited alcohol use or drug use including misuse of prescription medication; or
  - b. Evidence obtained from an arrest or criminal conviction for a drug or alcohol related offense; or
  - c. A verified positive test result; or
  - d. An employee's voluntary admission, unless the employee is meeting the requirements as outlined under the Safe Harbor Referral; or
  - e. Test refusal.
- B. An employee who is found to be in actual and illegal possession of a controlled substance, illegally used drug, and/or related paraphernalia while on duty and in or at any City-owned facility, City-owned property, City-approved activity, or City-owned vehicle, will be investigated and will be subject to termination. He/she may be prosecuted under the applicable state or federal law (refer to Federal Controlled Substances Act Title 21 United States Code, Offenses Involving Dangerous Drugs Title 45 Chapter 9 Montana Code Annotated, and Model Drug Paraphernalia Act Title 45 Chapter 10 Montana Code Annotated.)
- C. Effects of Positive Drug Testing Results
  - a. Any employee receiving his or her first verified positive test for a controlled substance will be referred to Human Resources and will be subject to mandatory administrative action including referral to the SAP, and one (1) day leave without pay. A second positive test indicating drugs and/or alcohol will result in termination of employment.
  - b. Any employee receiving his or her first verified positive test for illegally used drugs, i.e., prescription medication or over-the-counter medication, shall be referred to Human Resources and will be subject to mandatory administrative action including referral to the SAP, and to one (1) day leave without pay. A second positive test indicating drugs and/or alcohol will result in termination of employment.
  - c. Successful completion of any rehabilitation recommended will be a condition of continued employment.
    - i. The cost of rehabilitation will be the responsibility of the employee.
    - ii. Employees may be allowed to use accrued leave (Sick leave followed by vacation and/or compensatory leave) to complete rehabilitation until such leave is exhausted, at which time the employee may be allowed to go on unpaid leave.
    - iii. The employee remains responsible for successful completion of the SAP designated treatment program, and assertions regarding the effectiveness of a program shall not constitute either an acceptable explanation or excuse for continuing to misuse

alcohol and/or drugs or a defense to disciplinary action if the employee does not complete treatment.

- d. The City may initiate action to terminate an employee for refusing to obtain and complete counseling or rehabilitation through an SAP or a state licensed facility as recommended by SAP.
- e. The employee must have a negative test result before returning to work.
- f. The employee shall be subject to a return-to-duty agreement.
- g. Following a verified positive test and after returning to duty, the employee will be subject to unannounced testing for a period of time determined by the SAP.

**D. Effects of Positive Alcohol Testing Results**

- a. When an employee is found to be in violation of the alcohol provisions of this policy, he or she shall be referred to Human Resources and will be subject to mandatory administrative action, including referral to the SAP and one (1) day leave without pay. A second positive test indicating drugs and/or alcohol will result in termination of employment.
- b. If the employee is retained, the SAP's recommended rehabilitation will be a condition of continued employment.
  - i. The cost of rehabilitation will be the responsibility of the employee.
  - ii. Employees may be allowed to use accrued leave to complete rehabilitation until such leave is exhausted at which time the employee may be allowed to go on unpaid leave.
  - iii. The employee remains responsible for successful completion of a treatment program, and assertions regarding the effectiveness of a program shall not constitute either an acceptable explanation or excuse for continuing to misuse alcohol and/or drugs or a defense to disciplinary action if the employee does not complete treatment.
- c. The City may initiate action to terminate an employee for refusing to obtain counseling or rehabilitation through an SAP or a state licensed facility.
- d. The employee must have a negative test result before returning to work.
- e. The employee shall be subject to a return-to-duty agreement.
- f. Following a verified positive test and after returning to duty, the employee will be subject to unannounced testing for a period of time determined by the SAP.
- g. Any subsequent positive test for alcohol use will subject the employee to termination of employment.
- h. An employee with a first breath alcohol test which shows a breath alcohol content of .02 or greater but .04 or less may not return to duty for the remainder of the scheduled work day and must take sick leave for the remainder of his/her shift. The employee shall have a negative test result before returning to work.

**XI. RECORDS AND REPORTS**

- A. The employee's privacy shall be maintained. All testing information specifically relating to individuals pursuant to this program and any intervention steps, including referral for treatment, counseling or rehabilitation programs, is confidential and shall be treated as such by everyone authorized to review or compile program records.
- B. In order to efficiently implement this requirement and to make information readily retrievable, Human Resources shall maintain all records relating to testing, suspicion of tampering, and any other authorized documentation necessary to implement this policy. Such information shall remain confidential, with only authorized individuals who have a need-to-know having access to them.
- C. The results of a test of an employee for alcohol, controlled substances, or illegally used drugs along with all information, interviews, reports, statements, and memoranda will not be disclosed to an outside entity without the prior written consent of such employee, unless the disclosure is:
  - a. to the tested employee;
  - b. to the MRO;
  - c. to the SAP in which the employee is receiving counseling or treatment or is otherwise participating;
  - d. to the Human Resources Director, the Department Director, and the City Administrator, the Assistant City Administrator or people with the legal right to access;
  - e. pursuant to the order of a court of competent jurisdiction or where required by the Department to defend against any challenges of adverse personnel action by the City;
  - f. report information that is required by law to be reported to a state or federal licensing authority in response to inquiries relating to a workplace accident involving death, physical injury, or property damage in excess of \$1,500 when there is reason to believe that the tested employee may have caused or contributed to the accident.
- D. Test results with all identifying information removed may be used for data collection and other activities necessary to comply with testing requirements.
- E. Information obtained through testing that is unrelated to the alcohol use, controlled substance use, or illegal use of a drug must be held in strict confidentiality by the Medical Review Officer and may not be released to the employer without the written consent of the employee tested.

**XII. ADDITIONAL PROVISIONS**

- A. Department Educational Program: Annually, employees will be provided with information regarding controlled substances, alcohol, and illegal use of drugs. All supervisors shall receive training in compliance with 49 CFR 382.603.
- B. Notification of Conviction: Any employee who is convicted of a criminal drug or alcohol related violation must notify the City within five (5) calendar days of the conviction. A conviction, a plea of guilty, a plea of no contest, receiving a suspended imposition of a sentence, and a withheld judgment will all be considered the same as a conviction. This obligation to report applies even to deferred prosecutions and deferred impositions of sentence.

- C. Limitation of Adverse Action: No adverse action, including follow-up testing, may be taken by the employer if the employee presents a reasonable explanation confirmed by the MRO indicating that the original test results were not caused by the use of controlled substances, by alcohol consumption, or by the illegal use of drugs. Reasonableness shall be determined by Human Resources. If the employee presents a reasonable explanation confirmed by the MRO, the test results must be removed from the employee's record and destroyed.
- D. Employee's Right of Rebuttal: Upon request of the employee, the employer shall provide an employee or prospective employee who has been tested under any qualified testing program with a copy of the test report. The employee or prospective employee will be given the opportunity to provide notification to the Medical Review Officer of any medical information that is relevant to interpreting test results, including information concerning currently or recently used prescription or nonprescription drugs. The employer is also required to obtain an additional test of the split sample by an independent laboratory selected by the person tested at the request of the employee. (See Section XI.) The employee must be provided the opportunity to rebut or explain the results of any test.
- E. New Employee Notification: Applicants for covered City positions will be informed about the drug-free workplace policy on the vacancy announcement. During the screening process, applicants will be notified of the applicable testing requirements and that appointment to the position is contingent upon a negative pre-employment drug test. Upon hiring, new employees will receive a copy of the policy in the Employee Policy Handbook.
- F. Employee Policy Confirmation Receipt: Employees will be required to sign a statement that confirms that he/she has received a copy of the alcohol and drug-free workplace policy. The statement will be maintained in the employee's personnel file.
- G. Cost: Testing will be at the employer's expense. If an employee contests the verification test results, another test will be conducted. If that test is positive, the employee will be responsible for payment. If it is negative, the employer will be responsible for payment. Employees will be compensated at the employee's regular rate, including benefits, for time attributable to the testing program.
- H. Unintentional Ingestion: Any employee who unintentionally ingests a controlled substance shall immediately report the incident to his/her supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety.
- I. Voluntary Testing: Employees may volunteer for testing as part of a City investigation. The employee must cooperate with all parts of the test and complete all requirements of collection site personnel.

### XIII. **RESERVATIONS**

- A. Employees who are enrolled in and are participating in or have completed a supervised rehabilitation program and are no longer engaging in the misuse of alcohol, use of controlled substances, or illegal use of drugs, shall be protected from discrimination and harassment in accordance with the Americans with Disabilities Act of 1990. This prohibition does not preclude follow-up testing.
- B. This program is intended to carry out the City's Alcohol and Drug-Free Workplace Policy. All situations will be handled in accordance with this policy and in consultation with representatives of Human Resources.

#### XIV. POLICY AND PROCEDURE DEFINITIONS

**Adulterant** – Adulterating substance or agent aimed to corrupt, debase, or make impure.

**Adulterated specimen** – A urine specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

**Alcohol** – means an intoxicating agent in alcoholic beverages, food, or medication; ethyl alcohol, also called ethanol; or the hydrated oxide of ethyl.

**Alcohol concentration** – means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

**Breath Alcohol Technician (BAT)** – A person who instructs and assists individuals in the alcohol testing process and operates an EBT.

**Cancelled test** – A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test. Having a cancelled test does not relieve the employee of the responsibility to provide a test that produces a measured outcome.

**Collection site** – A place designated by the employer where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs or providing a breath sample to be analyzed for the presence of alcohol.

**Confirmation test** - For alcohol, a second test following a screening test with a result of 0.02 or greater that provides a measure of alcohol concentration. For controlled substances and illegally used drugs testing, an analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screening test and which uses a different technique and chemical principle from that of the initial screening test in order to ensure reliability and accuracy.

**Controlled Substance** – means any drug, substance, or precursor included in Schedules I through V as defined by Section 812 of Title 21 of the United States Code (21 USC 812) or any drug, substance, or precursor included within the definition of "Dangerous Drug" in Title 50 Chapter 32 Part 2, Montana Code Annotated (for example, but not limited to: cocaine, marijuana, methamphetamine.)

**Conviction** – means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug or alcohol statutes.

**Critical Incident** – means any incident in which someone is killed or is seriously injured.

**Dilute specimen** – means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

**Direct observation** – means an employee being directly observed while providing a urine sample. The procedure will include direct inspection of the employee with shirt lifted and trousers lowered and will include direct observation of urine leaving the body and entering the collection container.

**Employee** – All part-time, full-time, and seasonal employees of the City of Billings engaged in the performance, supervision, or management of work in a hazardous work environment, security position, or position affecting public safety. It does not include an independent contractor.

**Employee Assistance Program (EAP)** – means a contract-based counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

**Employer** – means the City of Billings.

**Evidential Breath Testing Device (EBT)** – means an instrument reliable in measuring alcohol concentration in breath, which meets the National Highway Traffic Safety Administration specifications and is listed in the conforming products list of evidential breath testing devices.

**Hazardous work environment includes** but is not limited to positions:

- For which controlled substance and alcohol testing is mandated by federal law, such as aviation, commercial motor carrier, railroad, pipeline, and commercial marine employees;
- That involve the operation of or work in proximity to construction equipment, industrial machinery, or mining activities; or
- That involves handling or proximity to flammable materials, explosives, toxic chemicals, or similar substances.

**Illegally Used Drugs / Illegal Use of Drugs** – means:

- any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes or in the prescribed manner.
- any other over-the-counter or non-drug substances (for example, but not limited to: airplane glue) being used for other than their intended purpose.

**Initial test or Screening test** – means a test for controlled substances or illegally used drugs to eliminate “negative” urine specimens from further consideration and to identify the presumptively positive specimens that require confirmation or further testing. In alcohol testing, an analytical procedure to determine whether an employee has a prohibited concentration of alcohol in his or her system.

**Insufficient urine specimen** – means less than the 45mL of urine required to constitute a sufficient testing volume. An insufficient specimen will prompt “shy bladder” procedures.

**Medical Review Officer (MRO)** – means a licensed physician trained in the field of substance abuse.

**Precursors** – means a biochemical substance which can be processed or synthesized into one of the categories of drugs to be tested under this policy.

**Prospective employee** - means an individual who has made a written or oral application to the City of Billings to become an employee.

**Qualified testing program** – means a program to test for the presence of controlled substances and alcohol that meets the criteria set forth in sections 39-2-207 and 39-2-208 Montana Code Annotated.

**Random testing** – means a system of drug and alcohol testing imposed without individualized suspicion that a particular employee is using controlled substances, alcohol, or illegally using drugs. The system is

a statistically random sampling of such employees based on a neutral criterion, such as social security numbers.

**Reasonable suspicion** – means suspicion based on specific and articulable facts which result in rational inferences that an employee may be under the influence of alcohol or drugs.

**Referral Physician** – means a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised when an employee provides an insufficient urine specimen. The MRO may act in this capacity if he/she has appropriate expertise.

**Return-to-Duty Agreement** – means an agreement between the City and an employee that allows an employee continued employment under stringent guidelines prohibiting use of drugs and alcohol. An employee's failure to meet the terms of the agreement, which may include successfully passing tests for alcohol and/or controlled substances and/or illegally used drugs, shall result in termination.

**Sample** – means a urine specimen, a breath test, or oral fluid obtained in a minimally invasive manner and determined to meet the reliability and accuracy criteria accepted by laboratories for the performance of drug testing that is used to determine the presence of a controlled substance or alcohol.

**Shy bladder procedure** – means the procedure that is followed when an employee does not provide a sufficient urine volume (45mL) for testing.

**Split specimen** – means, in drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

**Substance Abuse Professional (SAP)** – the City's substance abuse professional who evaluates employees who have violated drug and alcohol policies and makes recommendations concerning education, treatment, follow-up testing, and after care.

**Supervisor** – means a non-bargaining employee who exercises supervision of one or more employees.

**Unannounced test** – means a test for alcohol, control substances, and/or illegally used drugs previously scheduled and announced only to the employee just prior to the scheduled time, allowing only appropriate time for the employee to immediately proceed directly to the scheduled testing site.

**Under the Influence/Impaired** – When an employee is affected by a drug or alcohol or a combination of a drug and alcohol. An employee will be presumed to be impaired and in violation of this policy whenever the presence of drugs is detected at levels determined by the testing laboratory as constituting a positive indication for drugs. An employee will be presumed to be impaired by alcohol whenever the presence of alcohol is detected at a level of .04% or greater.

**Verified Positive Test Result for Alcohol** – means the presence of alcohol in the breath at a level of greater than .04 as confirmed by two tests with evidential breath testing devices and administered by a trained and certified Breath Alcohol Technician.

**Verified Positive Test Result for Drugs** – means a test result that was positive for a controlled substance or illegally used drug on an initial FDA-approved immunoassay test, confirmed by a Gas Chromatography/Mass Spectrometry assay, (or other confirmation tests approved by the U.S.

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Non-Bargaining Random Drug/Alcohol Reasonable Suspicion

Department of Health and Human Services), and reviewed and verified by the Medical Review Officer in accordance with this policy and the Mandatory Guidelines for Federal Workplace Drug Testing Programs.

**REFERENCES:**

Montana Workforce Drug and Alcohol Testing Act  
39-2-205 through 39-2-211 Montana Code Annotated (MCA)

Procedures for Transportation Workplace Drug and Alcohol Testing Programs  
Title 49 Part 40 (and Part 382) Code of Federal Regulations (CFR)

Federal Controlled Substances Act  
Title 21 United States Code (USC)

Offenses Involving Dangerous Drugs and Procedural Provisions  
Title 45 Chapter 9 Montana Code Annotated (MCA)

Model Drug Paraphernalia Act  
Title 45 Chapter 10 Montana Code Annotated (MCA)

Controlled Substances Codes  
Title 50 Chapter 32 Montana Code Annotated (MCA)

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Non-Bargaining Random Drug/Alcohol Reasonable Suspicion

Appendix A

{eff 08/14/2023}

NONBARGAINING POSITIONS SUBJECT TO <u>RANDOM DRUG/ALCOHOL TESTING</u>	
Accounting Technician	Plumbing Inspector
Airport Facilities Supt	Police Records Supervisor
Airport Operations Supervisor	Public Safety Tech Supp Spec
Airport Police Supervisor	Public Safety Technician
Animal Control Supervisor	Public Works Deputy Director
Assistant Aviation Director	Public Works Director
Asst. Communication Center Manager	Recreation Specialist
Assistant Fire Chief	Recreation Superintendent
Aviation & Transit Director	Sr. Combination Inspector
Chemist	Sr. Engineering Technician
Chief Chemist	Surveyor/CAD Technician
City Engineer	Telecommunications Syst Mgr
City Traffic Engineer	Traffic Technician
Code Enforcement Division Manager	Transit Manager
Code Enforcement Officer	Transit Supervisor
Code Enforcement Officer II	Water Quality Superintendent
Communications Center Manager	Water Reclamation Facility Manager
Community Outreach & Eng Coord	Water Treatment Manager
Community Services Officer	
Control Systems Programmer Analyst II	
Elect. Control Systems Specialist	
Electrical Inspector I	
Electrical Inspector II	
Electrical Maintenance Spvsr	
Emer. Service Dispatch Spvsr	
Engineer I	
Engineer II	
Engineer III	
Engineering Data Specialist	
Engineering Inspection Supervisor	
Engineering Inspector II	
Environmental Compliance Coord	
Environmental Coordinator I	
Environmental Engineer	
Facilities Specialist	
Facilities Superintendent	
Field Service Manager	
Fire Chief	
Forester/Natural Resource Supervisor	
Identification Supervisor	
Internal Services Specialist	
Investigation Analyst	
Laboratory Supervisor	
Operations Supervisor	
Parks Supervisor	
Superintendent of Parks, Urban Forestry & Natural Resources	
Plant Mechanic Supervisor	

## **POLITICAL ACTIVITY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City does not discourage employees from participating in political activities; however, any participation in these activities must be conducted on the employee's own time and without City resources. Vacation, compensatory time, or personal days may be utilized to conduct such activities.

Employees may not solicit any money, influence, service, or item of value or promote any political committee or the nomination or election of any person to public office while on the job.

While on duty, employees are also prohibited from demonstrating, counting or recounting votes, circulating petitions, soliciting votes or contributions, conducting or participating in opinion polls, fundraising, and all other activities not considered part of the employee's normal duties.

This section does not restrict the right of employees to respectfully express their personal political views, as long as expression of views does not disrupt daily operations.

### **PROCEDURE**

Employees must adhere to the provisions stated above and should contact their supervisor if they are asked to utilize work time or City resources for political activities.

## **PRIVILEGED AND CONFIDENTIAL INFORMATION**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

City employees may have access to privileged or confidential information, which, in turn, must remain as such. Privileged and confidential information could include knowledge about plans, programs or information of significant public interest, or protected health information (PHI). Employees may not use this information for personal gain or to benefit friends, family, or business partners.

It is imperative employees maintain City of Billings' integrity and not discuss business or protected health information with people who should not be privy to the information. If an employee has questions regarding confidential information and to whom the information should be revealed, then they should consult with the City Administrator, Assistant City Administrator, or a Department Director.

If an employee has outside interests, which could be affected by a City plan, project, or other privileged information, then the employee must report the situation immediately to their supervisor.

### **Protected Health Information Uses/Disclosures**

PHI is any individually identifiable health information created or received by a healthcare provider or health plan, which relates to the past, present, or future physical or mental health of an individual, and identifies the individual or provides a reasonable basis to believe the information can be used to identify the individual.

The City of Billings is generally prohibited from disclosing PHI for financial benefit (direct or indirect) unless the covered entity has a valid signed authorization for the disclosure. There are eight exceptions to this prohibition:

1. Public health purposes.
2. Research purposes where the only remuneration received is a reasonable cost-based fee to cover the cost to prepare and transmit the PHI.
3. Treatment and payment purposes.
4. The sale, transfer, merger, or consolidation of all or part of the covered entity including related due diligence (within the definition of health care operations).
5. To/by a business associate for activities the business associate undertakes on behalf of a covered entity as long as the only compensation provided is by the covered entity to the business associate for the performance of those activities.
6. To an individual who requests access to their PHI.

7. As required by law (including by statute, regulation, or court orders); and
8. As generally permitted under the HIPAA Privacy Rules where the only compensation received by the covered entity is a reasonable, cost-based fee to cover the cost to prepare and transmit the PHI.

*The full text of the privacy rule can be found at 45 CFR Part 160 and Part 164, Subparts A and E.*

## **SMOKING AND VAPE POLICY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

It is the policy of City of Billings to be in compliance with the Montana Clean Indoor Air Act and Yellowstone City-County Board of Health Rule #7 for Clean Indoor Air as it pertains to smoking in public places. Smoking or vaping is not permitted inside any City-owned or leased facilities, vehicles, or equipment. This policy applies to all City of Billings' visitors and full-time, part-time, temporary, and short-term employees.

- Smoking is defined as the "act of lighting, smoking or carrying a lighted cigar, cigarette, pipe, or any smokable product and includes the use of marijuana."
- Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.
- Smoking may not occur within twenty (20) feet of any City-owned or leased facility such that smoke may enter through its entrances, ventilation systems or other accesses and circulate to non-smoking areas.

Managers and supervisors will be responsible for communicating the "Smoke and Vape-Free Workplace" policy to their staff and for vigorously enforcing the policy in all facilities, vehicles, and equipment occupied by their staff. Managers and supervisors must demonstrate their commitment to this policy by communicating it to their staff, ensuring adherence and addressing violations in a timely manner.

All City-owned or leased facilities, vehicles, and equipment are considered public spaces, and all employees will adhere to the prohibition of smoking and vaping inside all public places. This includes all City facilities, vehicles and other equipment.

Violations of this policy will result in disciplinary action, up to and including termination.

## **WEAPONS ON CITY PROPERTY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

This policy recognizes the right to bear arms in accordance with state and federal laws and establishes the City's expectations of employees who wish to carry a concealed firearm with a valid permit, while ensuring the safety of its employees and citizens. This policy further outlines procedures involving the possession of weapons, or the threat to use weapons in the workplace.

### **INDIVIDUAL AND ENTITIES AFFECTED BY THIS POLICY**

Except for sworn peace officers of the Billings Police Department and the Aviation and Transit Department, this policy applies to all City of Billings' employees and volunteers; full-time, part-time, temporary, and short-term. Negotiated labor contracts or Administrative Orders that conflict with this policy will take precedence to the applicable extent.

### **RESPONSIBILITIES**

The safety of City employees, and the public we serve, are of the highest priority to the City of Billings. Managers and supervisors must demonstrate their commitment to this policy by communicating it to their staff, ensuring adherence and addressing violations in a timely manner.

It is the employee's responsibility to be aware of, understand, and comply with any state and federal laws on the right to carry a concealed firearm and to know whether the employee may legally carry a concealed firearm.

Nothing in this policy should be interpreted to require, encourage, or authorize any employee who lawfully possesses a firearm to use it in any manner for any reason. A person or employee who carries a firearm is solely responsible for any injury or property damage involving the firearm. The City of Billings is not liable for any wrongful or negligent act or omission related to actions of persons or employees who carry a concealed firearm.

### **DEFINITIONS**

**City Property.** Property owned under the governance of the City of Billings. Does not include private property for which an executed, current lease agreement exists.

**Concealed-Carry.** Carrying a concealed weapon in a manner that hides or conceals the weapon's presence from surrounding observers.

Concealed-Weapon. A firearm that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon. MCA §45-8-315.

Concealed weapon permit from another recognized state. A concealed weapon permit from another state is valid in Montana if: (a) the person issued the permit has the permit in the person's immediate possession; (b) the person bearing the permit is also in possession of an official photo identification of the person, whether on the permit or on other identification; and (c) the state that issued the permit requires a criminal records background check. MCA §45-8-329.

Firearm. Any type of gun designed to be readily carried and used by an individual.

Open-Carry. Visibly carrying a firearm, whether or not licensed/registered, in public places.

Permitted, Concealed Carry. Carrying a concealed weapon that is a licensed/registered firearm (permit issued by County sheriff's office or a concealed weapon permit from another recognized state) in public in a concealed manner.

Unpermitted, Concealed Carry. Carrying a concealed weapon without a permit from a Montana County Sheriff's Office or a concealed weapon permit from another recognized state.

Weapon. An instrument, article, or substance that, regardless of its primary function, is readily capable of being used to produce death or serious bodily injury which includes, but is not necessarily limited to, firearms/guns, knives (blades longer than 2 inches in length), clubs, bombs, poison, or any other item which may be used with an intent to inflict injury. MCA §45-2-101(79).

## **STANDARDS AND REQUIREMENTS**

### **Firearms**

Per Montana law, City employees are allowed permitted, concealed firearms on City property. A City property excepted from the law is Municipal Court - permitted concealed firearms are prohibited at that location as well as beyond the security screening checkpoint in the Airport Terminal building.

Prior to bringing a permitted firearm onto City property, the employee must provide their Supervisor with a copy of the current concealed weapons permit provided by the Yellowstone County Sheriff's Office or a concealed record permit from another recognized county or state. The employee shall review these rules and comply with the rules. A copy of the concealed permit must be forwarded to Human Resources and placed in the employee's personnel file.

**At no time may an employee openly carry or bring an unpermitted, concealed firearm onto City property.**

City employees, with a permitted, concealed firearm, must comply with the following:

- A copy of a current and valid Montana concealed weapon permit (CWP), and a copy of any renewal of that permit, must be provided to Human Resources. The permit will be placed in the employee's official personnel file.

- The firearm is to remain concealed at all times. An employee cannot show, display, or demonstrate their firearm at any time to anyone. At no time will the firearm be visible to others.
- The firearm will not be brandished in a threatening manner or as a means of intimidating, terrorizing, or coercing.
- The firearm must remain under the control and possession of the employee at all times. The firearm is not to be left unattended in a desk drawer, backpack, carry bag, etc.
- The firearm shall not be used in the normal course and scope of employment as defined by the employee's job description. Consult with City Attorney as to definition of "normal."
- The City may prohibit the carrying of a concealed firearm in certain circumstances when the nature of the employee's job duty poses an increased risk of accidental discharge. For example, an eligible employee may not carry a concealed firearm when performing job duties such as but not limited to climbing a ladder, operating machinery or equipment, or painting.
- Accidental or unauthorized discharges of the firearm will result in discipline up to and including termination of employment.
- Accidental or unauthorized discharges may result in criminal charges.
- The employee is personally responsible for accidental or unauthorized discharges.
- The employee will be subject to disciplinary action, up to and including termination of employment, for any misuse, mishandling, failure to keep concealed, and/or any failure to properly maintain possession and control over their firearm.
- A firearm must be carried in a suitable holster or carrying device. A suitable holster or carrying device is one that covers the trigger guard of the firearm and retains the firearm from accidental droppage. Carrying a firearm in a purse, backpack, briefcase, or in a holster with no retention is prohibited.
- If an employee using a City vehicle comes to a location that prohibits firearms, the employee shall take steps to safely store and secure the firearm inside the locked vehicle. This safe, secure storage requires the firearm to be out of plain view in a locked location, e.g. glove box or trunk.
- If an employee is using a personal vehicle for work-related travel and is in a paid status, the employee shall comply with the storage requirements set forth in the preceding paragraph while performing the employee's job duties.
- The City is not responsible for any theft or damage to firearms while carried in a City vehicle or personal vehicle on City property.

### **Knives**

Knives with a blade length greater than 2 inches, when utilized in the performance of the employee's job, are allowed on City property. A written exception from the Department Director is required.

City employees granted consent by the Department Director must comply with the following:

- The blade of the knife will not exceed 4" in length.
- The knife will not be brandished in a threatening manner or as a means of intimidating, terrorizing, or coercing.
- The knife must remain under the control and possession of the employee at all times. It is not to be left unattended in a desk drawer, backpack, carry bag, etc.
- The knife shall be used in normal course and scope of employment as defined by the employee's job description. Consult with City Attorney as to definition of "normal."
- The employee will be subject to disciplinary action, up to and including termination of employment, for any misuse, mishandling, and/or any failure to properly maintain possession and control over their knife.

- If an employee using a City vehicle comes to a location that prohibits knives on the premises, the employee shall take steps to safely store and secure the knife inside the locked vehicle. This safe, secure storage requires the knife to be out of plain view in a locked location, e.g. glove box or trunk.

#### **Pepper Spray**

Carrying pepper spray, for the purpose of personal protection, on City property may, in certain circumstances, be allowed. A written exception from the Department Director is required. A copy of the written exception(s) will be forwarded to Human Resources. Oral exceptions shall not be granted.

#### **LOCATION OF CONCEAL CARRYING A FIREARM**

Employees are responsible for understanding state and federal laws relating to where a concealed firearm may be legally carried. Employees must abide by the conceal carry laws, policies, or requirements of the location or building where they work or visit while engaged in their duties of employment. An employee is encouraged to check local building rules before carrying a concealed firearm onto the premises.

Employees who work at or visit locations other than City-owned buildings, such as a leased space in a privately owned building, must abide by the conceal carry laws, policies, or requirements that apply to those buildings. For example, a leased building on private property may have a restriction regarding firearms on the premises that an employee must comply with when visiting or working in the building.

Under MCA §45-8-356, concealed weapons are specifically disallowed in the following locations:

1. In a correctional, detention, or treatment facility operated by or contracted with the department of corrections or a secure treatment facility operated by the department of public health and human services;
2. In a detention facility or secure area of a law enforcement facility owned and operated by a city or county;
3. At or beyond a security screening checkpoint regulated by the transportation security administration in a publicly owned, commercial airport;
4. In a building owned and occupied by the United States;
5. On a military reservation owned and managed by the United States;
6. On private property where the owner of the property or the person who possesses or is in control of the property, including a tenant or lessee of the property, expressly prohibits firearms;
7. Within a courtroom or an area of a courthouse in use by court personnel pursuant to an order of a justice of the peace or judge;
8. In a school building as determined by a school board pursuant to MCA 45-8-361.

An employee who wishes to carry a concealed firearm while traveling for work outside of Montana shall understand and comply with all federal and state laws in the states the employee will be traveling, including laws related to the transportation of firearms.

**Violations of this policy will result in discipline up to and including termination of employment.**

## WORKPLACE VIOLENCE

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The City's goal is to maintain a safe and secure environment for its citizens and employees. The safety and security of City employees is critical. Threats, threatening behavior, acts of violence, or any related conduct, which disrupts an employee's work performance or the City's ability to perform services, will not be tolerated. The City of Billings recognizes that family violence, violence at work, and any other violence can affect an employee's work performance.

### **POLICY**

**Definition:** Violence is defined as the use of physical force, harassment or intimidation, or the abuse of power or authority.

- Acts of violence include the use of weapons of any kind and any unwanted physical attack such as hitting, pushing or throwing objects.
- Threats of violence include any expression (speech, conduct, writing, etc.) designed to frighten, terrorize, or otherwise place a person in fear of bodily injury.

Specific examples of prohibited conduct:

- Hitting or shoving an individual.
- Intentionally harming or threatening to harm an individual or his/her family, friends, associates, or his/her property through physical means. Threats to harm others if certain events do or do not transpire, as well as threats to immediately and unconditionally harm others.
- Intentionally destroying or threatening to destroy property owned, operated or controlled by the City of Billings.
- Making harassing or threatening telephone calls; sending harassing or threatening letters or other forms of written or electronic communications.
- Harassing surveillance, also known as "stalking": the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.
- Carrying or having weapons on City property (except law enforcement personnel in the line of duty). A weapon is defined as any device that may be used to inflict bodily harm. Examples include but are not limited to: guns, knives, clubs, bombs or any other items designed to inflict injury. (See Weapons policy.)

The City of Billings is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical

harm. Individuals who commit such acts may be removed from the premises during the investigation period and will be subject to corrective action that may include termination of employment.

### **PROCEDURE**

The impact of violence, whether it occurs on or off the job, is to control a person by causing pain or fear of pain to the victim or his/her family, friends, associates, or his/her property through physical means. The City acknowledges that human relationships are subject to conflict and that some employees are exposed to violence by the nature of their jobs. The City intends to take positive steps to:

- Minimize the potential for violence in and around the workplace.
- Reduce the negative consequences for those employees who experience or encounter violence in their personal or work lives.
- Foster a work environment of mutual respect and healthy resolution of conflicts.

Employees are prohibited from engaging in any act -- either on City premises or during the performance of work-related duties -- that threatens the safety, health, life or well-being of an employee and/or a customer. Such acts include, but are not limited to:

- threatening, intimidating, coercing, harassing or assaulting an employee or customer
- sexually harassing an employee or customer
- carrying weapons on City property or possessing a weapon on City property (except law enforcement personnel in the line of duty)
- allowing unauthorized persons access to non-public areas of City property without management permission
- using, duplicating or possessing keys to City property without authorization
- stealing, or attempting to steal, property of the City, an employee or a customer

Responsibilities and procedures promulgated in this policy are intended to ensure that:

- proactive measures are taken to foster an atmosphere of courtesy, dignity and respect among employees and between employees and citizens
- situations conducive to workplace violence are identified and reasonable steps taken to minimize risk to employees and citizens
- acts of violence involving employees are reported and investigated
- employees who experience violence in the workplace have avenues for resolution and support

### **Responsibilities**

All employees share in the responsibility to minimize the occurrence and effects of violence. The following responsibilities are minimum guidelines to establish accountability for preventing and dealing with workplace violence:

#### ***Department Directors, Division Managers, Managers***

1. Ensure that the workplace provides for the physical security of employees to minimize the risk of serious injury or death.
2. Establish policies and procedures as necessary to minimize and resolve conflict between employees and customers.
3. Establish training requirements for employees designed to prevent and respond to incidents of workplace violence.
4. Participate, as appropriate, in resolution of employee grievances and investigations of reported threats or other incidents of workplace violence.

***Supervisors***

1. Monitor workplace security, customer relations and employee behavior to identify conditions that present significant risk of workplace violence.
2. Enforce City and department policies and procedures intended to minimize and respond to incidents of workplace violence.
3. Ensure and encourage employee participation in City and department workplace violence training programs.
4. Facilitate conflict resolution without violence in the workplace. Encourage employee participation in Employee Assistance Programs, as appropriate, to manage personal situations that may lead to violence.

***All Employees***

1. Treat all employees, customers, vendors and all other persons with courtesy, dignity and respect at all times on City premises and during the performance of work- related duties.
2. Report threats and acts of violence experienced or witnessed on City premises to the supervisor and/or to Human Resources. Report other violent conditions, as appropriate, that may affect the workplace, such as restraint orders and domestic threats.
3. Participate in City and department workplace violence training.
4. Report conditions and behaviors conducive to workplace violence to the supervisor and/or Human Resources.

***Human Resources***

1. Ensure that training on this policy is available to all employees.
2. Assist Department Directors, as necessary, in providing training for employees designed to prevent and respond to incidents of workplace violence.
3. Investigate reports of assault, threats, harassment or other violence. Convene a Threat Assessment Team as appropriate.
4. Provide employee assistance to victims of violence.

**Courtesy and Respect for Others**

All City employees and all citizens deserve to be treated with dignity and respect. Courteous and respectful treatment is the single best way to avoid incidents of violence in the workplace. (See Mutual Respect policy)

**Dealing with Tense or Violent Situations**

The primary objective in any potentially violent situation is to protect yourself from harm. Use de-escalation techniques when you can and withdraw if de-escalation doesn't work. Do not use force unless (1) you are a sworn police officer acting within the scope of your duties or (2) you are attacked by another individual and cannot escape. Following are examples of de-escalation techniques:

*If you encounter extreme anger or rage:*

- remain calm
- give the individual ample space
- ensure that you have an escape route
- try to keep a barrier between you and the individual
- maintain direct eye contact when speaking
- speak clearly and slowly
- don't talk with your hands

- don't argue or raise your voice
- get assistance, if necessary
- use a pre-arranged code word to warn others, if you have one

*If you are confronted or attacked by an individual:*

- give them any valuables they ask for
- if you are attacked:
  - make as much noise as possible
  - strike out at vital areas such as eyes, throat, shins, groin
  - escape as quickly as possible
- If the individual has a gun or other weapon:
  - try to remain calm
  - don't try to be a hero
  - do not act in a confrontational manner
  - speak slowly and clearly
  - follow the perpetrator's instructions exactly, within reason
- after a violent incident:
  - try not to touch anything
  - notify your supervisor or the police as soon as possible
  - in the event of rape, do not wash or change clothes until questioned by police and examined by a medical professional

### **Reporting and Investigation**

Acts of violence by a co-worker must be reported to the supervisory chain, the Department Director, and Human Resources as soon as possible in order to ensure that incidents are investigated and appropriate action is taken. Any employee (including a supervisor or manager) must complete a "Report of Workplace Violence" if they are:

- threatened by another employee
- a victim of a violent act by another employee
- aware of work-related threats or violent acts by another employee

The Report of Workplace Violence form can be found on the City's website under Human Resources, Forms and Resources. Each report will be promptly evaluated and investigated.

Report acts of violence by customers or citizens and situations or locations to your supervisor. The supervisor will investigate, involving law enforcement and Human Resources as appropriate, and take necessary action to minimize the potential for violence.

### **Confidentiality**

Information about an incident or threat will be disclosed on a need-to-know basis only, so that a fair and thorough investigation can be conducted and appropriate action can be taken. The City will take appropriate measures to ensure the safety and privacy of the individuals involved to the fullest extent of the law.

### **Discipline**

An employee who engages in prohibited conduct will be subject to appropriate disciplinary action as determined by the findings of the investigation (see Corrective Action policy), up to and including termination of employment. In addition, certain actions may cause the employee to be held legally liable under state or federal law.

#### **Retaliation**

Episodes of workplace violence can be eliminated only if employees are willing and able to report threats, violent acts and other unsafe conditions. The City of Billings encourages employees to come forward with such reports and promises to promptly investigate all complaints of retaliation and impose appropriate disciplinary action, up to and including termination.

#### **Training and Awareness**

The City of Billings will provide workplace violence training for all of its employees, including supervisors and managers. These sessions will explain the City's policy on workplace violence, as well as procedures for reporting and investigating threats, violent acts, and unsafe workplace conditions. In addition, employees will be informed of their responsibilities and of the measures they can take to protect themselves and their co-workers from episodes of workplace violence.

The City will make other training available to foster an environment of courtesy, dignity and respect for all persons. Examples of such training include diversity awareness, customer relations, conflict resolution, communication skills, stress management, mutual respect, and handling threats.

Participation in Employee Assistance Programs is encouraged for employees who would benefit from individual support.



CITY OF  
**Billings**

## **SECTION 3 - EMPLOYMENT**

## **ATTENDANCE/ABSENCE CONTROL**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The purpose of this policy is to provide standards for a productive workplace. This policy establishes guidelines to be used for monitoring and addressing employees' absenteeism from work. One of the most disruptive acts on the part of any employee is that of absenteeism or tardiness. As such, absenteeism and tardiness must be subject to appropriate, discipline, applied in a consistent manner.

All employees are expected to arrive on time, ready to work, every day. If you are unable to arrive at work on time, or must be absent for an entire day, you must contact your supervisor as soon as possible. The absence control policy deals with excessive "unscheduled absences" (such as repeatedly calling in sick), tardiness, and failures to report to work.

Some attendance problems are symptomatic of other problems, which may be eliminated or reduced by referral to the Employee Assistance Program, Human Resources or other services available to employees.

Supervisors are responsible for accurate and timely documentation and communication to employees. Supervisors should communicate with employees when expectations are not being met, including a plan for improvement and consequences if improvement does not occur. (The supervisor should keep documentation of this informal counseling and discussions.) The plan focuses on absences from work and not on the reasons for them, with some exceptions covered below.

#### **Exemptions from Absence Control**

The following are not included as occurrences:

- Absences due to workers' compensation injuries or illness
- Absences qualifying under the Family and Medical Leave Act (FMLA) -- unless FMLA balance has been exhausted
- Approved funeral leave
- Vacation time or other prescheduled and approved time off
- Military leave of absence
- Jury duty
- Court subpoena
- Approved personal leaves of absence
- Approved scheduled Medical/Dental Appointments

When formal corrective action occurs, supervisors must use a Corrective Action form to document the action. A copy is sent to the employee's file in Human Resources.

## **PROCEDURE**

You must speak with your supervisor if you will be absent from work. Leaving a message with a co-worker is not acceptable. A phone call is the preferred method of communicating with your supervisor. Voice mail and/or E-mail messages are the preferred secondary methods with the understanding that the supervisor may call back to discuss the absence. **Text Messages are not considered an adequate method of communicating due to the unreliability.** Excessive absenteeism or tardiness will result in discipline that may include termination. **Supervisors will record unscheduled absences. Supervisors will routinely review their records of their employees' unscheduled absences in order to determine if corrective action is to be implemented.**

The following definition of an occurrence applies: A single occurrence is defined as either one specific day, part of a day, or a combination of successive days of absence. Absences resulting because of a medical condition will be addressed on a case by case basis. For example, reoccurrences of the flu or common cold are counted as separate occurrences.

### **Absence patterns**

Those exhibiting patterns of absence would more likely receive corrective action than if there were no patterns. Patterns also may be indicative of some other underlying problem, possibly warranting discussion or referral. An example of an absence pattern would be routine absences on Fridays, Mondays, or days after holidays.

### **"Playing the System"**

"Playing the system" to be regularly absent the maximum number of times allowed by your department without receiving corrective action will increase the likelihood of corrective action in borderline cases.

### **Effect on work**

While all absenteeism affects work somewhat, the supervisor may lean toward corrective action in borderline cases where there is more significant impact on work performance.

### **Failure to Report to Work without Notification**

It is imperative for the proper functioning of operations that employees give as much advance notice as possible when they will be unable to work all or part of a scheduled shift. Failure to report to work without notification, unless such failure can be reasonably explained, will result in a written warning for the first offense, a suspension for the second offense, and termination for the third offense within one year. **Failure to report to work without notification for three consecutive shifts will result in termination.**

### **Misrepresentation**

Abuse of sick leave benefits by such misrepresentations as calling in "sick" without being ill, will be addressed through the Corrective Action policy, over and above the Absence Control guidelines. Misrepresentation of Sick Leave benefits may result in immediate termination.

**Tardiness**

Tardiness is defined as reporting to work 15 minutes or more after normal starting time, unless otherwise defined by the work unit. Tardiness for work, especially when chronic, can create many problems for the work unit including difficulty accomplishing the normal work functions, as well as creating potential morale problems. Therefore, tardiness requires special attention under this policy. Supervisors have the ability to deal with tardiness on a case by case basis in a consistent manner within the work group.

If controllable absences or tardiness equal or exceed the work group standards, discipline may result.

If, after evaluating the above, the supervisor determines that an occurrence has occurred, the following actions shall be taken:

- 1<sup>st</sup> Occurrence Occurrence Recorded
- 2<sup>nd</sup> Occurrence Occurrence Recorded
- 3<sup>rd</sup> Occurrence Occurrence Recorded
- 4<sup>th</sup> Occurrence Employee Discussion
- 5<sup>th</sup> Occurrence Employee Discussion
- 6<sup>th</sup> Occurrence Oral Warning
- 7<sup>th</sup> Occurrence Written Warning
- 8<sup>th</sup> Occurrence One Day Suspension
- 9<sup>th</sup> Occurrence Termination

Occurrences are counted within a twelve (12) month time period, July 1 to June 30.

No termination action should be taken, however, without the prior approval from the City administrator.

## **ATTENDANCE INCENTIVE**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The City of Billings believes that employees with good attendance may be recognized and rewarded with additional time off.

### **POLICY**

An attendance incentive plan provides up to twenty-four (24) hours of additional vacation time per year depending upon the eligible employee's attendance record. The amount of incentive awarded will be determined after the last pay cycle of each calendar or contract year.\* Incentive hours earned will be added to eligible employees' vacation accrual bank as soon as possible after the calculations are completed. The maximum of twenty-four (24) hours will be reduced, hour for hour, for each hour of sick leave which the employee has used during each full calendar year or contract year of employment. The amount of incentive will be pro-rated for part-time employees and for employees hired during the attendance incentive period.

\* Collective Bargaining agreements may establish an alternate calculation period, incentive amount, or accrual type that receives the incentive.

Employees are not eligible for consideration of the incentive until sick leave is available for use after being employed ninety (90) consecutive days. Funeral leave and donation of sick leave hours will not be counted as sick leave used when determining attendance incentive awards.

Employees cannot use vacation, or accrued compensatory time in place of sick leave in order to preserve sick leave to earn the incentive. However, an employee with "Excess Vacation" may use vacation hours in place of sick leave during the period January 1-March 31. Please refer to the Vacation Policy regarding Excess Vacation.

### **PROCEDURE**

The attendance incentive award will be added to employee vacation banks during the next pay cycle after the calculations are completed. The item "Sick Incentive Award" or "Sick Incentive Comp" (Teamsters only) will appear in the earnings section of the employee's paycheck/direct deposit stub. The number of incentive hours awarded will be reflected with that item. Pay stubs are available to view on the Employee Portal (Profile, Payroll Checks).

Human Resources will notify supervisors of the incentive earned for employees in their division.

## **BREAST-PUMPING BREAKS**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

In accordance with Federal law, Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act, the City shall support and encourage the practice of breastfeeding, accommodate the breastfeeding-related needs of employees, and ensure adequate facilities are provided for the expression of milk for their children. Pump breaks will be allowed to any employee needing such accommodation for up to one year after the birth of their child. Remote workers are entitled to take pump breaks on the same basis as if they were working in a City facility.

Depending on the department and available space, a suitable area for breast-pumping for a lactating employee, will include the provision of basic necessities of privacy, lighting, and electricity for the pump apparatus, and milk storage. The space shall be readily available during the term that the employee needs the space, up to one year after the birth of the child.

### **PROCEDURE**

Employees should notify their supervisor of the need to take breast-pumping breaks. If at all possible, the employee may estimate the number of times each day the break will be needed, acknowledging that the schedule is subject to adjustment and not final. Standard break times will be primarily utilized for breast-pumping breaks. Non-exempt employees should work with supervisors to use appropriate accruals or make schedule adjustments, if necessary, to correctly manage breast-pumping break times utilized in addition to the standard break time.

## **COMMERCIAL DRIVER'S LICENSE (CDL)**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The purpose of this policy is to demonstrate the City of Billings commitment to providing and maintaining a safe, healthy, and productive working environment for all of its employees and the residents of the community.

### **POLICY**

Employees who possess a Commercial Driver's License are subject to pre-employment, random, reasonable cause/reasonable suspicion and return to duty drug and alcohol testing. Loss of an employee's CDL may result in the termination of the employee's employment with the City, if the CDL is an essential function of the employee's job.

Newly hired employees who hold a valid CDL from another state must be licensed under the laws of Montana before operating any commercial motor vehicle, per MCA 61-5-103.

The following is list of Job/Position Classifications requiring possession of a CDL.

Aviation	Airport Operations Supervisor AFM Worker/Lead Mechanic I ARFF/Airfield Maintenance Worker AFM Worker/Mechanic I AFM Worker/Electrician II
Transit	Assistant Director of Aviation and Transit Transit Training and Compliance Coordinator Transit Operations Coordinator Transit Road Supervisor Transit Planning and Development Coordinator Transit Maintenance Supervisor Transit/Paratransit Operator Transit Service Worker Mechanics (all levels) Facilities Maintenance Mechanic Transit Service Dispatcher On-call Transit/Paratransit Operator

Fleet Services	Fleet Services Manager Fleet Services Shop Foreman Mechanic (all levels) Vehicle Service Technician
Library	Bookmobile Librarian
PRPL	Parks Maintenance Mechanic Arborist Sr. Equipment Operator/Maintenance Worker Short-Term/Temporary Worker (as designated) Recreation Specialist (desired)
Public Works	Distribution & Collection Superintendent Systems Maintenance Supervisor Engineering Inspector II Solid Waste Superintendent Solid Waste Supervisor Street / Traffic Superintendent Street / Traffic Supervisor Traffic Signal Specialist Street Light & Traffic Signal Technician II Arborist Sr. Equipment Operator / Maintenance Worker Equipment Operator / Maintenance Worker Maintenance Worker Seasonal Positions (as designated)

## **PROCEDURE**

Obtain a copy of the applicable Drug and Alcohol Testing Policy for positions requiring a CDL via the City's intranet or by contacting your supervisor or Human Resources. The aforementioned policy discusses random testing, etc.

## **DATE OF HIRE/ANNIVERSARY DATE**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The first day an employee works for the City of Billings is their Date of Hire. Service length is determined by the time spent in continuous employment with the City of Billings from the date of hire.

Anniversary Date is the date the employee began employment in the current position or assignment. The anniversary date of a regular employee who is promoted, demoted, or transferred will change to the effective date of the promotion, demotion or transfer. Step increases will be awarded on the anniversary date until the employee has reached the maximum step in their grade.

There will be no change in anniversary date in the event of a job change due to reclassification unless there are significant changes in assigned tasks or responsibilities.

## **DONATED SICK LEAVE**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

Donated Sick Leave is for an employee on approved Family Medical Leave Act (FMLA) or MT Maternity Act leave in which the employee is “medically unable to work” and has exhausted all of their own accruals.

Employees are not eligible to request or receive sick leave donations until completion of at least 180 days of continuous service. After 180 days of continuous service, and until completion of the one-year probationary period, employees will be eligible to receive up to 240 hours of donated sick leave.

After completion of the probationary period, an eligible employee may accept up to 480 hours of donated sick leave in a twelve-month period. The twelve-month period begins with the pay period of the first use of donated leave.

The employee requesting donated sick leave must use ALL available accruals (e.g., vacation, sick leave, compensatory time, personal day(s), holiday leave bank, etc.) prior to utilizing sick donations.

Donated sick leave hours cannot be used for Funeral Leave or an absence due to Worker’s Compensation injury/illness when wage replacement benefits are available and offered to the employee.

Employees who are eligible to use their accrued sick leave may donate a portion of their own sick leave to another employee who has used up all of their accumulated sick, vacation, personal days (PTO), and compensatory time due to an approved FMLA qualified event or MT Maternity Act leave.

An employee can donate up to 40 hours to an individual employee during a calendar year. Donating employees must have a minimum balance of 120 hours of sick leave remaining after the donation.

Any donated sick leave will be deducted from the sick leave bank of the donating employee but will not be considered sick leave used and therefore will not affect the employee’s sick leave incentive. Donated hours will be credited to the employee and deducted from the donating employee each pay period as needed. The employee needing donations will use their own accruals each pay period prior to utilizing any donated hours.

The sick leave donation is voluntary, and names of sick leave donors will be kept confidential to the extent allowed by law, unless the donor allows the release of their name to the recipient. At no time will the number of donated hours be released. Donating employees should monitor their sick leave balances in

their Employee Portal account or on their pay stubs, as Human Resources will not notify donors when their donation may be used.

## **PROCEDURE**

Employees who meet the criteria to receive donations must complete the Employee Request for Donated Sick Leave form and submit it to their supervisor. The request for donations of sick leave can be made within the employee's department only, or citywide, with the approval of the employee's Department Director. The Employee Request for Donated Sick Leave Form is found on the City's website under Human Resources, Forms and Resources.

If the request for donations of sick leave is made within the employee's department only, the Department Director will communicate the request within their department. If the request for donations of sick leave is made citywide, then payroll will communicate the request throughout the City.

Donated hours are used on a first-received and first-used basis. If sick leave hours are donated but not needed, then the donation expires 90 days from the date it was received in Human Resources, unless the donor contacts Human Resources to retract the donation prior to use or expiration.

Employees who wish to donate sick leave hours will submit the completed Donated Sick Leave Form found on the City's website under Human Resources, Forms and Resources

## **EMPLOYEE RECORDS**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings maintains records on every employee related to their employment with the City. The employee's personnel file will contain information such as employment application materials, performance evaluations, training records, commendations and awards, disciplinary records, and resignation/termination records.

Personnel files, whether electronic or physical, are kept as a confidential record of each employee's employment history. The City maintains appropriate security measures to protect the physical and electronic records from unauthorized access, breaches, or accidental loss.

Any information obtained for EEO purposes and/or medical information will be kept in physical or electronic confidential files. All personnel and/or medical records and documents are kept confidential and accessed only on a need-to-know basis as authorized by the City Administrator or the Human Resources staff, so long as it does not violate any laws, regulations or policies set forth in this policy manual.

### **PROCEDURE**

In order to maintain up-to-date files, employees must notify Human Resources of any changes in address, telephone number, name, training or certifications, and emergency contacts by completing the Employee Information Record Change form. The form is found on the City's website under Human Resources, Forms and Resources.

Upon request to Human Resources Staff, current employees may review and make copies of their personnel records, as long as Human Resources Staff is present. Employees should contact Human Resources to arrange the review.

## **HOURS OF WORK**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The City of Billings believes that work schedules should be established and that those schedules should support the services that are provided to both internal and external customers.

### **POLICY**

**Exempt Employees:** Exempt employees are responsible for working hours that ensure that their responsibilities are successfully and timely completed. They are prohibited from tracking their time on an hourly basis. In order to ensure adequate coordination of activities and work, however, exempt employees are generally expected to maintain a standard workweek of five days a week, Monday through Friday, from 8:00 am to 5:00 pm. Complete absence from work during one of these days must be accounted for through authorized and reported leave status, e.g. vacation. Alternate schedule expectations may only be established through the completion of an “Alternate Work Schedule” form which must include the operational justification for the alternate schedule and reserve the authority and discretion for the employee’s supervisor to cancel that alternate schedule.

**Non-Exempt/Non-Union (Hourly) Employees:** Hourly employees will work a standard workweek of 40 hours, 8 hours a day, Monday through Friday, 8:00 am to 5:00 pm, with a lunch period and breaks established by each department or division. Alternate work schedules that meet the following requirement may be established by departments for specific work units or individuals.

- The alternate work schedule is clearly defined through written documentation the form of which has been reviewed and approved by the Human Resources Manager (this documentation may be completed on an individual or work group basis)
- The alternate work schedule is designed to improve operational efficiency and does not negatively impact the operational efficiency of a dependent work unit or its coordination with other units of the organization
- Appropriate steps have been taken to ensure that the authority to implement a change to the alternate work schedule or revert to a standard work schedule has/is not restricted.
- Any deviation from the documented alternate work schedule must be authorized by the supervisor of employee or work unit impacted in advance

Generally, the workweek begins on Monday and ends on Sunday. However, a different workweek can be established. It may begin any day of the week and at any hour of the day. However, any change to the workweek is intended to be permanent and is not designed to change frequently to evade the payment of overtime to non-exempt employees.

Hourly employees should not be reporting to work any earlier than they need to in order to begin their normally scheduled shift. All employees need to be approved for overtime prior to working it (see Overtime Policy).

The routine combining of breaks and/or lunch periods and breaks is not authorized.

***Union Employees:*** The provisions herein relating to Hourly Employees shall apply to Union Employees. To the extent that scheduling of work is covered by terms included in union agreements, the terms of those agreements shall control.

## **PROCEDURE**

Each department shall establish and maintain a centralized file of all documents related to alternate work schedules related to employees under their supervision and retain such files according to the City's established retention schedule. Alternate Work Schedule Agreement forms are found on the City's website under Human Resources, Forms and Resources.

## **OUTSIDE EMPLOYMENT**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The City of Billings believes that City employees provide crucial services to the residents of Billings and that the employee's position with the City must be primary.

### **POLICY**

The City discourages employees from holding other jobs. If employees find it necessary to take on occasional or a part-time job, then it must not interfere with efficient performance of regular duties or involve a conflict of interest. In addition, the part-time employment must not occur during regular or assigned working hours.

### **PROCEDURE**

Employees must check with their supervisor before accepting part-time work and must notify the supervisor in writing. Employees must complete an "Outside Employment" form found on the City's website under Human Resources, Forms and Resources.

## **POSITION CLASSIFICATION**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings believes positions should be evaluated and classified to ensure equitable pay among all employees.

All City of Billings positions are classified according to responsibilities of the position, duties to be performed and educational or experience requirements. Once classified, the position will be assigned a salary range.

### **PROCEDURE**

All classification and reclassification requests must be approved by the Department Director and submitted to the City's Classification and Compensation Committee, through Human Resources. Reclassifications typically occur in conjunction with the City's annual budget development process. Each request must include a revised job description displaying and tracking edits, and a completed reclassification kit obtained through Human Resources. The City's Classification and Compensation Committee will review the request and forward its recommendation to the City Administrator with a recommended grade and salary range. The final authority on all classification and reclassification concerns rests with the City Administrator.

Reclassification of a position may not include a wage increase.

Human Resources will make periodic reviews of the classification plan and make recommendations to the City Administrator for necessary changes.

## PROBATIONARY PERIOD

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent. This policy does not apply to employees with a written contract of employment for a specific term.*

### **POLICY**

All permanent employees are subject to a one-year probationary period. If a Temporary or Short-term employee is hired as a full-time employee in the same division without a break in service, the probationary period started at their hire date in that temporary or short-term position.

The probationary period may be extended up to 18 months for non-sworn employees. If an employee has one or more leaves of absence during the original probationary period or any extension of the probationary period, the time of each leave of absence is excluded from the probationary period absent written approval of the department director.

The probationary period for sworn employees is governed by §7-32-4113, MCA as may be amended from time to time, or as may be superseded by a negotiated labor contract.

### **PROCEDURE**

Non-sworn employees begin the one-year probationary period on their first day of work. During a probationary period, an employee may be terminated at will for any reason or for no reason, as long as the employment termination does not violate a state or federal statute. Terminated employees will receive their final paycheck on the next scheduled payroll cycle based on their last *working* day or within 15 calendar days, whichever is less (see Separation of Service Policy).

Although vacation and sick leave accrue during the initial employment period, sick leave may not be used until completion of 90 days of continuous employment, and vacation leave may not be used until completion of 180 days of continuous employment. Employees terminating employment with the City prior to working 90 days will not receive pay for unused sick leave. Employees terminating employment with the City prior to working 180 days will not receive pay for unused vacation hours. Employees terminating employment with the City will not receive pay for unused personal day hours.

## **PROMOTIONS, DEMOTIONS AND TRANSFERS**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The City of Billings believes that transfers and/or promotions are based on demonstrated abilities, experience, skills, personal capabilities, performance evaluations, disciplinary record, and the needs of the City.

### **POLICY**

Employees may apply for posted vacancies in any City department by utilizing the standard job recruitment process. Employees in a new position may not apply for posted vacancies outside their present division for one year. However, this provision may be waived by the Department Director if they desire to do so. Human Resources must be notified of any waivers.

### **PROCEDURE**

Upon a transfer or promotion to a position in a higher pay range, the salary will be increased to the step closest to 10 percent (10%) above the previous salary, or the entry rate of the higher range, whichever is greater, or at a rate determined by the Department Director with consultation and approval from Human Resources. The salary paid will never be greater than the maximum of the salary range. Reclassification of a position may not include a wage increase.

In addition, if this rate of pay places the newly appointed or promoted non-bargaining employee at a rate of pay greater than that of an individual in the same position in the division, then the lower paid individual may be raised to the same rate of pay if the supervisor determines the individual's past performance justifies it and budgetary resources are available. The approval of the Department Director, Human Resources and the City Administrator is required.

When an employee transfers between positions in the same pay range the rate of pay will remain unchanged.

When an employee seeks a voluntary demotion, the new salary of the employee may be at the rate closest to their present salary, but no higher than the maximum of the new salary range. The rate of pay will be determined by the hiring supervisor or Department Director and Human Resources based on the employee's knowledge, skills, and abilities related to the new position.

The employee's evaluation/salary anniversary date will change to the date the new position becomes effective.

## **RECRUITMENT AND SELECTION**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings has established required steps and best practices for the recruitment and hiring process. All Departments shall comply with this established process.

Recruitment guidelines shall be followed unless the City Administrator or Human Resources Director grants a waiver altering the process.

Unless approved by the City Administrator, the city does not reimburse any applicant for travel costs in conjunction with the hiring process. Relocation costs are paid in full by the employee unless otherwise approved by the City Administrator.

Vacant positions will be filled through an internal or an external recruitment process as detailed below:

#### **Internal Recruitment**

A department may open a vacant position to current City employees only. The Human Resources Department will post the vacant position for a minimum of five (5) calendar days. All current employees are eligible to apply for vacant positions as an internal applicant. Temporary and short-term employees actively on the payroll at the time the internal recruitment notice is posted shall be considered eligible to apply for the position. The hiring supervisor will follow the established hiring process to select a qualified applicant. If the internal search is not successful, the position can be opened as an external posting and internal applicants will be considered with the entire applicant pool.

Internal applicants may be granted paid time to attend an interview, unless the applicant schedules the interview outside their regular or normal shift. Once the interview is complete, the employee is expected to return to their work assignment and complete their respective shift.

#### **External Recruitment**

The Human Resources Department will post the vacant position for a minimum of five (5) calendar days. Human Resources will prepare and circulate a position vacancy announcement to all departments for posting and will publish it on the City's website.

The City of Billings has the right to conduct State and Federal criminal background checks, and/or pre-employment testing for certain positions. Any conditional job offer may be rescinded based upon the results of the background check and/or pre-employment testing.

## **PROCEDURE**

When a position becomes vacant through resignation, retirement, or termination, the hiring supervisor, Department Director, Division Manager, or their designee utilizes the recruitment software to initiate the process to fill the vacancy. In the case of a newly created and budgeted position, the recruitment process will begin when the Department Director or Division Manager notifies the Human Resources Department the position is authorized to be filled only after the position is fully classified by the Human Resources Department and a job description has been developed.

Hiring supervisors shall follow the established procedure associated with the City's recruitment software.

- Notify Human Resources of the vacancy by providing a copy of the resignation, retirement, or termination notice, or authorization to fill a newly created position
- Submit requisition including updated job description
- Review applications, and select candidates for interview (interview questions must be submitted in advance and approved by Human Resources)
- Interview the applicants
- Conduct reference checks on top candidate(s)
- Offer the job to the selected candidate
- Notify all unsuccessful candidates of the outcome
- Submit necessary documentation/forms to Human Resources to complete the selection process

Whether the job posting is internal or external, the hiring supervisor will screen the applications to determine which candidates will be interviewed.

Identical positions, which come open in the same division within ninety (90) days of the initial posting closing date, may be filled from the same applicant pool; however, the position must first be opened internally for a minimum of five (5) calendar days to allow current employees an opportunity to apply for the position. An exception to the aforementioned is the Billings Police and Fire Departments. They may use the same applicant pool until a new advertisement is in place and a new applicant pool is established.

Interview questions and any supplemental testing shall be approved by Human Resources prior to the interview or testing process. Supplemental testing may consist of a structured questionnaire, or skill assessment tests. In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills and abilities (KSA's) for the position. Skills tests may be administered by the Montana Job Service or another qualified testing facility.

The interview panel shall consist of at least three (3), but no more than five (5) members. However, if interviewing for City Administrators or Department Directors, then more than 5 members may participate in the panel. A diverse interview panel is required and shall include a mixture of genders, and one (1) person (employee or community member) from outside of the department/division. Relatives, personal friends or references of the applicants will be excluded from serving on the panel. Any exceptions to the makeup of the interview panel must be approved by the Human Resources Director or their designee prior to conducting the interviews.

The interview panel's primary purpose is to evaluate candidates objectively, ensure consistency in the interview process, and make informed hiring decisions. The panel shall ensure the selection process is fair, unbiased, and promotes diversity and equal opportunities for all candidates. Panel members shall

maintain confidentiality of the interview process and refrain from discussing candidate details outside the panel.

Applicants who indicate a veteran's or a disability preference may warrant additional consideration if using a scored interview procedure per MCA 39-30-201. Contact Human Resources for further instructions.

## **REFERENCE REQUESTS**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The purpose of this policy is to provide guidelines for providing references for current and former employees of City of Billings. This policy outlines the process, limitations, and considerations for giving accurate and fair references.

### **POLICY**

References provided by City of Billings will be limited to factual and job-related information. This includes, but is not limited to, details about the employee's job title, responsibilities, dates of employment, and the salary range for the employee's position.

### **PROCEDURE**

All requests for references for current or former employees should be directed to Human Resources.

Montana state law protects discharged employees in their efforts to obtain subsequent employment. See §§39-2-802, 39-2-803, *Montana Code Annotated*. Failure of someone giving a reference to abide by these provisions constitutes a criminal misdemeanor violation. All requests for reference checks must be directed to Human Resources.



## SEPARATION OF SERVICE

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

Separation of employment from the City of Billings occurs for several different reasons – such as resignation, retirement, or termination.

All employees who separate service with the City of Billings receive their final paycheck on the next scheduled payroll cycle based on their last *working* day or within 15 calendar days, whichever is less. If the employee is eligible for accrual payouts in the final paycheck, then unused vacation and unused compensatory time accruals are paid at 100%, and unused sick accruals are paid at 25% per state statute. In accordance with MCA 2-18-617, an employee who separates service for reasons not reflecting discredit on the employee, and who has worked the qualifying period as set forth in 2-18-611, MCA, is eligible for payout of their accrued vacation time.

An employee whose conduct leads to their separation of service, and also constitutes a violation of state or federal law by a preponderance of the evidence, forfeits their entitlement to payment of unused vacation time to which they would otherwise be entitled.

Employees' medical, dental, vision, and life insurance benefits end at the end of the month in which the separation occurs.

Human Resources provides a copy of the City Grievance procedures to all probationary and non-probationary, permanent position employees who depart employment with the city.

Employees may not extend their employment and benefits by using vacation, sick, and compensatory time accruals, personal days or holiday. The employee's last day on the payroll must be a working day.

Resignation and Retirement notices must be in writing and signed by the employee.

Employees must return all City of Billings property in their possession to their division. This includes but is not limited to City identification badges, keys, phone, tools, uniforms, books or manuals, computer or office equipment, parking passes, vehicles, and credit cards.

## **RESIGNATION**

Although the City of Billings hopes your employment with us will be a rewarding experience, the City understands varying circumstances cause employees to voluntarily resign from employment. Therefore, the City requests non-probationary permanent employees give a minimum of two (2) weeks written notice of their intention to leave their City employment. The resignation letter should be given to the employee's immediate supervisor. Probationary, permanent position employees may resign from employment at any time during their probationary period without notice. If notice is provided by a probationary employee, the City may accept the employee's resignation effective immediately.

The City reserves the right to provide a non-probationary permanent employee with two weeks' pay in lieu of notice in situations where business needs warrant such action. If an employee provides more notice than requested, the City will evaluate whether the additional notice is necessary for effective business operations and will notify the employee of the final date of employment based on those needs.

When an employee voluntarily resigns their position with the City, the supervisor provides the written notice to Human Resources immediately, via email. If the notice is provided electronically, the supervisor may submit the original to Human Resources to be placed in the employee's personnel file. Human Resources will send all exit materials to the email on file for the employee in order to close out the employee's employment and benefits. The exit material email will request that the employee respond to confirm receipt of the information.

## **RETIREMENT**

The City of Billings requests employees who qualify for retirement per MPERA ([www.MPERA.gov](http://www.MPERA.gov)) provide a minimum of one (1) month written notice of intention to retire from the City. The letter should be given to the employee's immediate supervisor. Employees must also contact MPERA to initiate the retirement process.

When an employee retires from their position with the City, the supervisor provides the written notice to Human Resources immediately via email. If the notice is provided electronically, the supervisor may send the original notice to Human Resources to be placed in the employee's personnel file. Human Resources then emails all exit materials to the employee in order to close out the employee's retirement and benefits options.

If an employee applies for MPERA Disability Retirement and is approved, then typically the employee's retirement date will be the day after the MPERA board meeting.

## **TERMINATION**

**Probationary, permanent position employees** may be terminated at any time during their probationary period without cause.

**Non-probationary permanent position employees** terminated by the City will be provided with a letter summarizing the reasons for their termination and the effective date of the termination. The City will follow the procedures outlined in the Disciplinary Policy. Human Resources will send all exit materials to the email on file for the employee in order to close out the employee's employment and benefits. The exit material email will request that the employee respond to confirm receipt of the information.

**Temporary, Short Term, non-permanent position employees** may be terminated without cause when the need for their employment has concluded. Temporary, Short Term, non-permanent position employees shall not appeal terminations based upon the elimination of their position, even if that employee has concluded a one-year probationary period. If a temporary, short term, non-permanent position employee has completed a one-year probationary period and is terminated for good cause, as opposed to the elimination of their position, then the employee has a right of appeal.

## **JOB ABANDONMENT**

Employees who fail to report to work or contact their supervisor for three (3) consecutive scheduled shifts have abandoned their job without notice. The employee's supervisor should try to contact the employee during this period of time, and update Human Resources. The supervisor and Human Resources will prepare the Due Process Hearing letter after failure to report to work for three (3) consecutive scheduled shifts. Job abandonment is cause for termination.

## **REEMPLOYMENT**

Depending on the circumstances surrounding the separation of employment from the City of Billings, former employees may be eligible for reemployment. Former employees must complete the regular application process and proceed through the regular hiring procedure, the same as other applicants. A former employee who is rehired by the City will be considered a new employee and required to complete the probationary period.

## **LAYOFF / REDUCTION IN FORCE (RIF)**

The City of Billings has the authority to determine if layoffs are necessary because of a lack of work, lack of funds, elimination of a position, or any other situation where continuing to fund a position would be inefficient.

In selecting employees for layoffs, the City will first determine which position or combination of positions will best enable a department to meet its objectives after a layoff or funding reduction. Should the City determine a particular position is to be eliminated; the City will provide the affected employee(s) with a minimum of 45 calendar days' notice, if possible. During this time, the City encourages the employee to apply for other vacant positions which may be available and for which the employee meets the minimum qualifications.

If two or more regular (non-probationary) employees occupy positions in a particular job classification to be eliminated as part of a budget reduction within a City department, the City will retain the employees who, at the employer's discretion, are most qualified and capable of performing the assigned work. If employees' qualifications and capabilities are substantially equal, the employer will retain employees based on their length of continuous service with the City in that job classification.

## **RECALL**

Employees who are laid off under this policy shall have their names placed on a recall list for a period of one year from the effective date of layoff. In the event the position from which an employee was laid off is reinstated, the employer will mail or email a recall notice to the employee at the employee's last

known address. The employee will have five working days to accept reinstatement of the employee's former position.

If the employee declines reinstatement or fails to respond to the recall notice, the employee's name shall be removed from the recall list and the employee shall have no further reinstatement privileges. The employee is responsible for ensuring an accurate and up-to-date mail or email address is on file. An employee who is recalled under this policy will be considered as continuously employed for purposes of calculating vacation leave, or any other benefits set forth in these policies that are based on length of continuous service with the City. The employee will not accrue additional leave benefits for any time during which the employee was laid off prior to reinstatement. The pay for an employee who is recalled under this policy shall be established at the same step within the pay range for the employee's position as it was on the date of the layoff.

The salary for an employee who is placed in another City position under this policy shall be established in accordance with the applicable policy on compensation administration.

#### **FURLough**

The City of Billings has the authority to determine if furloughs are necessary because of a lack of work, lack of funds, or any other situation where continuing to fund a position would be inefficient. A furlough can be a reduction in hours, or a discontinuation of hours for an indefinite period.

Furlough differs from a Reduction in Force, therefore, the City is not required to provide advance notice to employees. In addition, the length of a furlough may be uncertain and difficult to predict depending on the reason for the furlough.

If temporary duties become available in other departments/divisions within the City during the furlough period, those temporary assignments will be offered to employees in order of seniority.

During the furlough period, employees will not receive pay, nor will they accrue sick and vacation leave benefits, and the balances in place will remain during the furlough period.

During the furlough period, the City will continue current health, dental, vision, life insurance and any other voluntary coverage elections for furloughed employees. Any contributions made through payroll deduction to a health savings account (HSA) will not continue during the furlough period. In order to maintain the coverage in place, employees will be billed monthly by Human Resources for the premiums that would normally be deducted from their bi-weekly payroll. It is important payments are remitted for the premiums each month to maintain the coverage.

Employees may decide to suspend insurance benefits at any time during the furlough period. Employees must contact Human Resources to process their request. The suspension of benefits will be effective the 1<sup>st</sup> of the month following the request. When the furlough period ceases and employees return to work, their suspended benefits will be reinstated effective on the date they return to work.

When City Administration determines the furlough period has ended, employees will be notified no less than 24 hours in advance, and will be scheduled to return to work in an order determined as necessary to

continue the operation of their division. If a determination is made a permanent reduction in force is necessary, employees will be provided a minimum of forty-five (45) days' notice.

Furloughed employees may be eligible to receive unemployment benefits. Furloughed employees will be categorized as "Job Attached" which eliminates the requirement of seeking new employment while receiving unemployment benefits.

## **SERVICE AND RECOGNITION AWARDS**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings believes in the recognition and importance of loyal, dependable and long-term employees.

#### **Service Milestones**

The City appreciates continuous service. Service milestones are recognized upon completion of every five years of continuous service.

#### **STAR Award Program**

The STAR Award Program commends employees for providing outstanding service and encourages the continuance of that level of performance. Employees who exceed expectations by providing a high level of service to the citizens of Billings, for the benefit of City operations or other employees, may be recognized through the Star Award Program.

A STAR Award may be given to any employee: from one employee to another, from an employee to a supervisor, from a supervisor to a subordinate, or by recommendation of a citizen through the supervisor.

### **PROCEDURE**

Human Resources administers service milestone recognition. STAR Award nomination forms can be obtained on the City's website. Any monetary award given to an employee is subject to IRS fringe benefit tax.

## **TELEWORK**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

Teleworking, or telecommuting, is the concept of working from home or another location on a full or part-time basis. Teleworking is not a formal, universal employee benefit. Rather, it is an alternative method of meeting the needs of the City. The City has the right to refuse teleworking for an employee, and to terminate a teleworking arrangement at any time. Employees are not required to telework. Employees have the right to refuse to telework if the option is made available.

The City will permit some employees in specific positions to telework as long as it does not adversely affect the employee's productivity or the efficient operation of the organization. Some positions, by their very nature, do not lend themselves to telework. For example, positions that require constant or regular supervision of other employees usually cannot be performed off-site, as it is an integral part of the position that the supervisor be available to answer questions and coach employees in their growth and development. The City will determine whether a specific job may be performed effectively off-site and whether an individual is effective working without supervision at home.

The primary telework location must be within the State of Montana. A temporary arrangement, not to exceed two weeks, may be granted if the employee must be outside the state for a short duration and has suitable teleworking conditions. The exception must be approved in advance by the employee's supervisor and Department Director.

### **PROCEDURE**

The Department Director will make a determination whether teleworking is appropriate and viable for the employees within the department. When considering telework, the supervisor and employee are responsible for ensuring that the following conditions are met:

1. Telework does not adversely affect the organization, departmental assignments/projects, customer relations, or other work units;
2. There is adequate and suitable work available for the employee to perform at home without direct supervision;
3. The position is appropriate for a telework arrangement; and
4. The employee has maintained a good work record prior to making his/her request to telework. (For example, no excessive or unexcused absences and no corrective action within the last six months of employment.)

Employees interested in telework should discuss with their supervisor whether telework is an option in their current position. If the supervisor agrees, the employee and supervisor should meet

with the Human Resources Director in order to draft an agreement that permits the employee to telework. The agreement needs to be signed by the employee, the employee's supervisor, the employee's Department Director, and Human Resources Director. The agreement shall include:

1. The hours and days the employee must be present in the workplace to be available for one-on-one consultation with other employees. Regardless of the hours agreed upon, the employee is responsible for attending all scheduled meetings whether or not those meetings take place on his/her scheduled days in the office, or via virtual meeting, if appropriate;
2. Acknowledgment that the employee has a suitable home office environment equipped with computer, telephone, and other support systems;
3. The performance criteria that will be used to determine whether the telework arrangement is effective;
4. Develop the reporting requirements for the telework employee; for instance, the employee must respond to telephone, voicemail, and email messages in a timely manner;
5. Acknowledge that the telework arrangement may be revised or discontinued at any time; and
6. In order to be eligible for telework, the employee must have been employed full-time by the City for at least 6 months.

**Guidance and Expectations for Teleworking Employees:**

- The employee is expected to keep regular working hours and to be available via email, telephone, and text. The employee is not allowed to "flex" their regular work schedule, unless approved by their supervisor. In addition, phone communication via a cell phone or landline must be established.
- Work voicemail and email is to be checked routinely.
- Create a dedicated workspace, if at all possible.
- Be available to physically attend scheduled work meetings as requested or required by the Department; unless a virtual meeting is approved by the supervisor;
- Request supervisor approval in advance of working any overtime hours (if a non-exempt employee);
- Take rest and meal breaks while working remotely in full compliance with all applicable policies or bargaining agreements;
- Request supervisor approval to use vacation, sick, or other leave in the same manner as when working at employee's regular work location.

The employee's duties, obligations, responsibilities and conditions of employment with the City remain unchanged. Job responsibilities, standard of performance, and performance appraisals remain the same.

The supervisor reserves the right to assign work as necessary at any worksite.

The Telework arrangement is documented via an executed City of Billings Telework Agreement. The Telework Agreement is found on the City's website under Human Resources, Forms and Resources. The Telework arrangement will be evaluated on an ongoing basis to ensure that the employee's work quality, efficiency and productivity are not compromised by the telework arrangement.

The employee acknowledges that if the department director deems that the telework arrangement is not working effectively, or as envisioned, the City may at any time adjust or end the work from home/remote work assignment; a minimum notice of 24 hours will be provided to the employee.



CITY OF  
**Billings**

## **SECTION 4 - COMPENSATION & BENEFITS**

## **COMPENSATORY TIME**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

Non-exempt employees may accrue compensatory time in lieu of overtime payment upon mutual agreement between the employee and the supervisor. Compensatory time for non-exempt employees shall be earned at the rate of one and one-half (1 ½) times the overtime hours worked in lieu of overtime payment. The maximum of 240 hours may be accrued. It is the employee's responsibility to manage the compensatory time hours.

Accrued compensatory time hours may also be used for time away from work, in lieu of vacation leave, sick leave, and personal days.

When a non-exempt employee is promoted or transferred to an exempt position, the employee would maintain the accumulated amount of compensatory time that had been accrued at the time of the promotion or transfer. As an exempt employee, the employee would no longer be eligible to accumulate compensatory time.

### **PROCEDURE**

To use Compensatory Time for time away from work, the employee would follow the same procedure established by their department or division for time off requests. The time off is entered into the employee's electronic timesheet, timeclock or other time entry method using the code CU (Comp Used).

If the employee wishes to cash out all or a portion of the accrued compensatory time, the employee will enter the code CT (Comp Time Payout) directly to their electronic timesheet, timeclock or other time entry method.

## **DEDUCTIONS FROM SALARY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings is committed to following Federal and State laws. Employees are provided options regarding additional payroll deductions. Examples of “mandatory” and “optional” deductions are below (this list is not all inclusive):

#### **Mandatory Deductions:**

- Federal and State Withholding Taxes
- Social Security\*
- Medicare
- Montana Public Employee Retirement Administration (MPERA) – includes PERS, MPORS and FURS
- Insurance Plan Premiums - contributions are made through payroll deduction
- Other deductions as required by law, a court, a collective bargaining agreement, or any other legal instrument.

\* All employees are mandatory with the exception of Police Officers and Fire Fighters who as a coverage group have elected to be exempt from Social Security tax per the State Section 218 agreement. All newly hired police officers and firefighters are provided with a Form SSA-1945, “Statement Concerning Your Employment in a Job Not Covered by Social Security.”

Each retirement plan administered by Montana Public Employee Retirement Administration (MPERA) has differing mandatory employee and employer contributions.

#### **Optional Deductions:**

- Medical/Dependent Care Flex
- Health Savings Account
- Dental Plan
- Vision Plan
- Supplemental Life Insurance
- Long Term Disability
- Deferred Compensation Plans
- Additional Voluntary Benefits – as outlined in the City of Billings HR Resources and Voluntary Benefits Guide, and detailed on the Human Resources page of the City’s website: [www.billingsmt.gov](http://www.billingsmt.gov)

- United Way Donations – sign up for deduction during annual campaign
- Montana Shares Donations – sign up for deduction during annual campaign

## **PROCEDURE**

Information regarding deduction items and related forms is found on the Forms and Resources page on the Human Resources page of the City's website. The link to Forms and Resources:

<https://www.billingsmt.gov/417/Forms-and-Resources>

Complete the appropriate form for any changes and submit it to Human Resources. Some voluntary deductions can only be added or removed during an open enrollment period. Enrollment information will be provided by Human Resources in a timely manner.

## **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The Family and Medical Leave Act (FMLA) of 1993 is a United States federal Law. FMLA provides eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. City of Billings is a covered employer with at least 50 employees within a 75-mile radius and provides FMLA. City of Billings employees are eligible if they have:

- at least 12 months of service, and
- have *worked* at least 1,250 hours within the preceding 12-month period. Paid leave and unpaid leave, including FMLA leave, are not included.

The function of this notice is to provide employees with a general description of their FMLA rights. In the event of a conflict between this notice and the applicable law, employees will be afforded all rights required by law.

Employees are required to follow the Federal Law and cooperate with all requests for information regarding whether absences are FMLA-qualifying. Failure to comply may result in leave being delayed, denied, or the employee being disciplined for not providing documentation to validate their time away. Employees cannot opt out and must comply with FMLA.

If eligible, there are two types of leave entitlements available, including the basic 12 workweeks of unpaid leave (Basic Family Leave), and the military family leave (Military Family Leave).

### **Basic FMLA Leave**

Employees who meet the eligibility requirements described above are eligible to take up to 12 workweeks of unpaid leave during any 12-month period for one of the following reasons:

1. To care for the employee's son or daughter during the first 12 months following birth; or
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care; or
3. To care for a spouse, child or parent who has a serious health condition; or
4. For incapacity due to the employee's pregnancy, prenatal medical or childbirth; or
5. Because of the employee's own serious health condition that renders the employee unable to perform essential functions of his or her job; or

6. For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on covered active duty or call to covered active-duty status as a member of the National Guard, Reserves, or Regular Armed Forces. (Military Family Leave)

The amount of FMLA leave for part-time employees will be pro-rated.

Employee's sick accrual usage is typically for basic cold, flu, or couple-day illnesses. If an employee calls in sick more than three consecutive shifts, has a planned medical procedure, or a chronic condition, then it is typically an FMLA qualifying event per Federal Law. Therefore, the employee is required to certify the time away from work as FMLA, which includes medical documentation releasing them back to work if FMLA was due to a medical procedure.

### **Married couples that work for the City of Billings**

In cases where a married couple is employed by the city, the two spouses may take a *combined* total of 12 weeks' leave during any 12-month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

### **Military Family Leave includes two (2) types of Military Family Leave**

#### **1. Qualifying exigency leave.**

Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active-duty status (or has been notified of an impending call or order to covered active duty).

- **For Regular Armed Forces members**, "covered active duty or call to covered active-duty status" means duty during the deployment of the member with the Armed Forces to a foreign country (outside of the United States, the District of Columbia, or any territory or possession of the United States, including international waters).
- **For a member of the Reserve components** of the Armed Forces (members of the National Guard and Reserves), "covered active duty or call to covered active-duty status" means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation. Qualifying exigencies may include:
  - Short-notice deployment (seven or less calendar days)
  - Attending certain military events and related activities
  - Childcare or school activities
  - Addressing certain financial and legal arrangements
  - Periods of rest and recuperation for the military member (up to 15 calendar days of leave, dependent on orders)
  - Attending certain counseling sessions
  - Attending post-deployment activities (available for up to 90 days after the termination of the covered military member's covered active-duty status, and to address issues arising from death of military member)
  - Attending to parental care needs arising from covered active duty or call to duty (arrange for alternative care for a parent of a military member, provide urgent or immediate care, admit, or transfer to a care facility, or attend non-routine caregiver meetings with care facility staff)

- Other activities arising out of the military member's covered active duty or call to active duty and agreed upon by the City and the employee.

## **2. Leave to care for a covered service member (military caregiver leave)**

There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 workweeks of leave during a single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military service member or veteran recovering from a serious injury or illness, as defined by FMLA's regulations.

- **For a current member of the Armed Forces**, including a member of the National Guard or Reserves, the member must be undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness.
- **For a covered veteran**, they must be undergoing medical treatment, recuperation or therapy for a serious injury or illness. *Covered veteran* means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. An eligible employee must begin leave to care for a covered veteran within five years of the veteran's active-duty service, but the single 12-month period may extend beyond the five-year period.

### **Immediate family members**

An employee's spouse, children (son or daughter), and parents are immediate family members for purposes of FMLA. The term "parent" does not include a parent "in-law". The terms son or daughter does not include individuals aged 18 or over unless they are "incapable of self-care" because of mental or physical disability, that substantially limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA). The only exception to the above definition of immediate family member is for Military Personnel regarding Active Duty and Caregiver leave. Members can be defined as spouse, son, daughter, or parent for Active Duty leave and the same for Caregiver leave; however, with one additional member as the nearest blood relative.

### **Calculation of 12-Month Period for FMLA: *rolling, lookback method***

The City of Billings will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the city will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. (For example: If an employee took 12 weeks leave beginning July 1, 2019, and requested to take 12 weeks leave beginning May 1, 2020, the request would be denied because the employee used 12 weeks looking back from May 1, 2020, through April 30, 2019.)

Human Resources will utilize the payroll system to track FMLA; therefore, 12 workweeks for a 40-hour position will convert to 480 hours of FMLA entitlement. For Fire Suppression, 12 workweeks for a 43.7-hour position will convert to 524 hours of FMLA entitlement.

Military caregiver leave will also be based on a rolling, lookback period. FMLA leave taken for other FMLA circumstances during this 12-month period will be deducted from the total of 26 weeks available.

## **Montana Maternity Act (MCA 49-2-310)**

**If a female employee is not eligible for FMLA, Montana law** requires they receive a reasonable leave of absence for **maternity leave**. "Reasonable" is determined on a case-by-case basis; however, typically physicians will state 6 weeks for a normal delivery and 8 weeks for a C-section delivery. If this situation applies, the employee must email [FMLA@billingsmt.gov](mailto:FMLA@billingsmt.gov). All forms of accrued paid leave (eg., vacation, sick leave, compensatory time, personal day(s), holiday leave bank, etc.) must be used prior to unpaid leave. The City also reserves the right to extend employee's probationary period for the timeframe of their leave.

The City of Billings FMLA process will include City specific FMLA forms, and the Federal Department of Labor (DOL) forms located on the public city website: <https://billingsmt.gov/417/Forms-and-Resources>

- City of Billings – FMLA Request form
- [WH-382 Designation Notice](#)
- [WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition](#)
- City of Billings – FMLA Return to Work form (employee serious health condition)
- [WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition](#)
- [WH-384 Certification of Qualifying Exigency For Military Family Leave](#)
- [WH-385 Certification for Serious Injury or Illness of Covered Service Member -- for Military Family Leave](#)
- [WH-385-V Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave](#)

For questions, contact **City of Billings** – FMLA Coordinator:

Email: [FMLA@billingsmt.gov](mailto:FMLA@billingsmt.gov)

### **Procedure for Requesting FMLA Leave**

Employees requesting FMLA leave should email the FMLA Request form to [FMLA@billingsmt.gov](mailto:FMLA@billingsmt.gov). The employee should also share this information with their supervisor/department. Within five business days after receipt, Human Resources will provide the DOL Notice of Eligibility and Rights or an FMLA letter to the employee via email.

- City of Billings – FMLA Request form

When the need for leave is foreseeable, the employee must provide the city with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. In an emergency, the employee may communicate with their supervisor and their supervisor should email [FMLA@billingsmt.gov](mailto:FMLA@billingsmt.gov) of the situation.

When an employee requests leave, Human Resources will inform the employee if they are eligible under FMLA. If the employee is eligible for FMLA leave, then the employee will be given a written notice that includes details on any additional information they will be required to provide. If the employee is not eligible under FMLA, then a written notice indicating the reason for ineligibility will be provided.

### **Designation of FMLA Leave**

If there is sufficient information that the leave is a qualifying FMLA event, then the City of Billings is

allowed by Federal Law to designate leave as FMLA and will provide the designation notice or letter to the employee.

- [WH-382 Designation Notice](#)

#### **Certification of Medical Certification**

Upon receipt of the FMLA Request, employees must provide certification explaining the serious health condition or the family member's condition. The City of Billings will utilize the DOL forms for this information and should detail the following. (HR can also use a medical note from the provider.)

- the date on which the condition began,
- the probable duration of the condition,
- appropriate medical facts regarding the condition,
- a statement that the employee is needed to care for a spouse, parent, or child,
- a statement that the employee's own health condition makes it impossible for him or her to work.

#### **Certification for the Employee's Serious Health Condition**

The City of Billings requires certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

- [WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition](#)

#### **Certification for the Family Member's Serious Health Condition**

The City of Billings requires certification for the family member's serious health condition. The employee must respond to such a request within 15 days or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

- [WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition](#)

*For both WH-380 E & F forms, in Section 1- Employer, please also enter your name, City of Billings, as your employer and job title, if applicable.*

#### **Certification of Qualifying Exigency for Military Family Leave**

The City of Billings requires certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

- [WH-384 Certification of Qualifying Exigency For Military Family Leave](#)

#### **Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave**

The City of Billings requires certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

- [WH-385 Certification for Serious Injury or Illness of Covered Service Member -- for Military Family Leave](#)
- [WH-385-V Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave](#)

### **Recertification**

The City of Billings may request recertification every 30 days for the serious health condition of the employee or the employee's family member when circumstances have changed significantly, or if the City receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. If an employee's need for FMLA leave lasts beyond a single FMLA leave year, then the City will require the employee to provide a new medical certification annually.

If the City of Billings is not satisfied with the certification, it may require a second opinion at its expense. In the event of conflicting opinions, a third provider will be retained, also at the City's expense, to render a binding decision.

### **Use of Intermittent and Reduced-Schedule Leave**

- An employee does not need to use this leave entitlement in one block. Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday), if *medically necessary and certified*.
- Employees must make reasonable efforts to schedule leave for planned medical treatments, so as not to unduly disrupt the City's operations.
- Leave may not be taken on an intermittent basis/reduced schedule leave when used to care for the employee's own healthy-child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, *unless* both the City and employee agree to such intermittent leave schedule. The employee will need to put in writing to HR and their supervisor the reason for the intermittent leave and their proposed schedule for approval.
- Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Payroll Coding - Use of Paid and Unpaid Leave for FMLA**

It is the employee's responsibility to code their time or to coordinate with their supervisor during their absence for use of accrued paid leave during their approved FMLA.

FMLA-Sick, FMLA-Comp Used, Personal Day(s), and Holiday Leave Bank will be required to be exhausted prior to FMLA-Without pay. FMLA-Vacation falls under MCA 2-18-615. The total of the paid and unpaid FMLA leave will count against their FMLA leave entitlement. PTO will not count toward the FMLA entitlement.

FMLA payroll coding is as follows:

- FMLA-Sick (FM)
- FMLA-Vacation (FV)
- FMLA-Comp Used (FC)
- FMLA-Without Pay (FW)

### **Holidays and FMLA**

Holiday hours will count towards the FMLA entitlement. During FMLA leave, the employee must be in a paid status either the business day before or after the holiday according to MCA 2-18-603 to receive holiday pay. If the employee is on unpaid FMLA leave, then they are not eligible for holiday pay.

### **Employee Status and Benefits During FMLA Leave**

While an employee is on approved FMLA leave, the City will continue the employee's benefits during the certified FMLA leave period at the same level and under the same conditions as if the employee had continued to work.

If FMLA leave becomes unpaid, the employee is responsible to pay the premiums for health insurance, life insurance and additional voluntary elections, that would *normally* be deducted from the employee's paycheck. The employee will be billed directly by Human Resources, and the billing statement will be emailed to the address on file with each payroll. Please note, we are not able to bill for health savings account (HSA) contributions during leave without pay. Coverage may cease if the employee's premium payments are not paid in a timely manner. All other benefits cease to accrue during the unpaid portion of the leave.

### **FMLA and Workers Compensation**

At the City of Billings, Worker's Compensation leave and FMLA run concurrently when the employee is eligible for FMLA. The city does not require FMLA forms for these situations since our Worker's Compensation vendor will manage the case. Payroll Coding for Worker's Compensation FMLA varies depending on the group. For questions contact City of Billings Worker's Compensation Coordinator.

If during worker's compensation leave, the employee elects wage replacement benefits (if applicable), they are then in an unpaid status from the city. See details regarding this in the *Employee Status and Benefits During Leave* section and in the Workers Compensation policy.

### **Request for *Donated Sick Leave* while on FMLA or MT Maternity Act Leave, without pay**

The request for donated sick leave is to help cover unpaid FMLA or Maternity Act leaves where the employee is "medically unable to work". The employee must request approval from their department to ask for sick donations. Employees must exhaust ALL accrual banks, including PTO before they can request donations. To request donations, the employee should put their request in writing to their Department Director and state if the request is for department only or citywide donations. If approved, then the Department Director or supervisor will forward the request to HR/Payroll. See Donated Sick Leave policy for additional information.

### **Reporting While on Leave**

The City of Billings may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **Return to Work/Fitness for Duty - Certifications**

Because the City of Billings wishes to ensure the well-being of all employees, any employee returning from FMLA leave for their own serious health condition, will need to provide in writing from their medical provider their release back to work date. This can be stated in the medical certification, FMLA Return to Work (RTW) form, or Fitness for Duty (FFD) certification or a medical note signed by their healthcare provider. *This is not required for return from birth of a child.*

- An employee who fails to provide certification will be prohibited from returning to work until it is provided. An employee who fails to provide certification may be discharged from employment.

- Certifications may be required when an employee returns from intermittent FMLA leave if serious concerns exist regarding the employee's ability to resume their duties safely.

#### **Employee Status after Return from Leave**

Upon return from approved leave, the employee will be restored to their original or an equivalent position with equivalent pay, benefits, and other employment terms in effect for all employees. An employee who fails to return at the end of FMLA leave will in most cases be considered to have voluntarily resigned their position with the City of Billings, unless the leave period is extended, in advance, by Human Resources.

Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid 10% of the workforce and their absence must mean a substantial economic loss to the City of Billings. If an employee designated as "key" takes family leave, then the City of Billings will pay the healthcare premiums. However, there is no guarantee that a "key" employee will be returned to their pre-FMLA position.

If an employee is not able to return to work at the end of the 12 workweeks of protected leave, the City is no longer required to restore the employee to an equivalent position.

If the employee elects not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, then the City of Billings may require the employee to reimburse the City's contributions to the employee's health insurance costs during the leave period.

#### **False/Misleading information while on FMLA**

Providing false or misleading information to justify an FMLA absence may result in discipline, up to and including termination of employment. FMLA provisions indicate that at the discretion of the City of Billings, healthcare premiums may be recovered from employees who do not return to work.

**NOTE: FMLA does not apply to elected officials (eg. Judges, Mayor, City Council Members).**

## **FUNERAL LEAVE**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

In the event of a death in the family, City employees will be granted time off with pay up to a maximum of 40 hours per occurrence. Days off will be charged to sick leave, but will not be considered when determining the sick leave incentive. If the employee is not eligible for sick leave, then the employee may use available personal days, and when exhausted, the leave will be unpaid. Funeral leave is not eligible for donated sick leave hours.

The definition of family includes: spouse, parents, step-parents, brother, stepbrother, sister, stepsister, children, stepchildren, household dependents, grandparents, grandchildren and all the same relatives of the employee's spouse in like degree.

### **PROCEDURE**

The employee claims Funeral Leave (FL) on their electronic timesheet, timeclock, or other time entry method if eligible for sick leave.

## **HEALTH INSURANCE CONTRIBUTIONS FOR PURPOSES OF CALCULATING AN EMPLOYEE'S GROSS PAY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

This policy applies solely to employees in benefited positions, and excludes Teamsters, Temporary and Short-Term Workers.

### **POLICY**

The City of Billings will add its portion of the monthly health insurance contribution (not including dental, vision, disability or life insurance) to the employee's gross pay for the purpose of increasing the employee's earnings for calculating retirement contributions by the employer, employee, and state. This policy adheres to the provisions of Administrative Order 130.

Higher gross pay and retirement contributions are expected, but are not guaranteed, to produce a retirement benefit that is greater than without this additional gross pay.

The added gross pay and the employee's required retirement contribution as required by Montana Law may reduce the employee's net pay and may have tax implications.

Adding the City's portion of the health insurance contribution to gross pay for retirement purposes only does not affect and shall not be included in the computation of any other pay or benefits or the calculation of any rate of pay, including, but not limited to the regular hourly rate, any cost-of-living increase, overtime, longevity, or any other identified specialty pay.

Prior to the annual enrollment period, the City will determine its share of the health insurance contribution for each employee, and the employee's share of the health insurance premium. Employees are required to enroll in the City's health insurance. Both the City's contribution and the employee's premiums will be credited to the health insurance fund. The contribution will be made before local, state, or federal taxes are deducted from the employee's gross pay (pre-tax contribution). However, if the employee elects, the contribution will be made after appropriate taxes are withheld from gross pay (post-tax contribution).

Regardless of tax treatment under Internal Revenue Code (IRC) Section 125, the Employer's portion of the health insurance contribution being added to gross pay may cause the employee to pay additional taxes, fees, or assessments as required by federal or state law regulations. Those taxes, fees, or assessments may include but are not limited to unemployment insurance, workers compensation insurance and Medicare tax.

Policy 4-5  
Health Insurance Contributions for Purposes of Calculating An Employee's Gross Pay

At the time of the IRC Section 125 election, each employee shall acknowledge in writing:

- A. The employer-paid portion of the health insurance contribution is being added to gross pay solely to increase the employee's pay for calculating retirement contributions by the Employer, employee and state ("added gross pay");
- B. The employee recognizes the added gross pay and their required retirement contribution may reduce net pay and may have tax implications;
- C. Adding the City's portion of the health insurance contribution to gross pay for this retirement purpose only does not affect and shall not be included in the computation of any other pay or benefits or the calculation of any rate of pay, including but not limited to the regular hourly rate, any cost-of-living increase, overtime, longevity, or any other identified specialty pay;
- D. The added gross pay may subject the employee to additional federal, state, or local taxes, fees or assessments; and
- E. The added gross pay and increased retirement contributions are expected, but are not guaranteed, to produce a retirement benefit that is greater than without this additional gross pay.

If there is an increase in the Employer-paid health insurance contribution, the City will only pay an increase of up to fifteen percent (15%) over the previous year, or the actual increase whichever is less, as applied to an employee's gross pay for retirement purposes only.

Employer and employee contributions toward retirement shall be governed by Montana law. If any change in local, state, or federal laws, regulations, determinations or rulings change the Employer's costs or invalidates the intent or application of this provision, it will immediately terminate.

## **PROCEDURE**

Human Resources determines employee eligibility. Eligible employees will receive information regarding this benefit at the time of hire or transfer to an eligible position. Employees will make the IRC Section 125 election, which will remain in place until the employee requests a change in the election. Negotiated labor contracts may discontinue or change the eligibility for this benefit.

## **HIGHER CLASSIFICATION PAY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

A non-supervisory employee who performs work in a higher classification, at the direction of their supervisor to meet the needs of the City, shall be compensated based upon the higher classification system. The term “performs work in a higher classification” means the employee must perform at least one (1) duty that is in the higher classification job description, and not in the employee’s regular job description. Employees who are being cross-trained will not receive higher classification pay.

Higher classification pay (Hi-C) will be paid in increments of 15 minutes. Hi-C pay is the difference between the normal wage of the employee working the Hi-C, and the corresponding step in the grade of the higher classification position.

For example, Jody is responsible for recording minutes during a Board/Commission meeting, but was scheduled to be absent during the planned meeting. John’s supervisor requested he attend the meeting in Jody’s absence and record the minutes as required. John attended the three-hour meeting and recorded the minutes as requested.

John is at step 5, grade C39, current wage of \$17.2365. John is filling in for Jody, who is at step 7, Grade M61. The rate for a Step 5, Grade M61 is \$21.1986. John will receive Hi-C pay differential of  $(21.1986 - 17.2365) = \$3.9621 \times 3 \text{ hours} = \$11.8863$ .

There may be situations in which an employee is placed in an interim assignment for an extended period of time. In that case, the employee will receive Hi-C pay, not to exceed 10% above their current rate of pay for the duration of the interim assignment. When the assignment ends, the employee returns to the grade and step for their permanent position.

### **PROCEDURE**

The supervisor will assign the higher classification duties, and then calculate the higher classification pay based on the pay grade and step level of the employees involved. Supervisors will ensure the higher classification pay is added to the employee’s assigned time entry method. Hi-C is entered as a dollar amount in the time entry program. The Supervisor or another designated employee with access to time entry will enter this item.

## **HOLIDAYS**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The following are Legal State holidays for full-time, part-time, and eligible temporary City employees.

Legal State holidays are typically days in which City employees do not work but do receive pay. However, to meet the needs of the City, some employees may be required to work on a holiday.

In order to be eligible for a paid holiday, the employee must be in a paid status the last scheduled working day prior to the holiday and the next scheduled working day following the holiday.

<b>Legal State Holiday</b>	<b>Date</b>
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day (MFPE Police Union only)	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving (in lieu of Columbus Day)	Fourth Friday in November
Christmas Day	December 25
Every day in which a General Election is held throughout the State of Montana	
Every day declared a legal holiday by the Governor of Montana or the Mayor of Billings	

If a holiday falls on Sunday, the holiday will be observed on Monday; if the holiday falls on Saturday, the holiday will be observed on Friday.

Part-time employees receive pay for the holiday on a pro-rated basis.

Short-term employees do not receive holiday pay.

If one or more regular holidays fall in the period of an employee's scheduled leave, then the employee's leave record will be credited for the holiday.

Employees required to work on a holiday will be paid at the rate of one and one-half (1 1/2) times the regular rate of pay for hours worked or may accumulate compensatory time at the rate of one and one-half (1 1/2) times the number of hours worked, at the employee's option.

Any full-time employee whose day off falls on a City-recognized holiday shall observe the holiday on the next scheduled shift. In order to meet operational needs, it may be necessary to observe the holiday another day within the workweek in which the recognized holiday falls. This exception requires supervisor approval. In either case, once the holiday is set, it cannot be changed for any reason, including if the employee is sick on the designated holiday.

## **PROCEDURE**

Contact Human Resources if you have questions regarding Legal State Holidays and related pay procedure.

## **JURY DUTY AND SUBPOENA**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

It is the civic duty of each City employee to serve on a jury or serve as a witness if the employee is properly summoned. Employees called for jury duty or witness service must promptly notify their supervisor so plans can be made to cover the employee's work assignments. Employees may take leave with pay and give the jury or witness payment to Human Resources Payroll or take accrued leave and keep the jury duty or witness fee.

Citation: Mont. Code Ann. § 2-18-619.

### **PROCEDURE**

Upon receipt of the payment for jury duty or witness service, the employee should endorse the check payable to City of Billings and submit it directly to Human Resources Payroll. Time away from work to serve as a juror or witness, should be coded as LP (Leave with Pay).

If the employee elects to keep the jury duty or witness service pay, the time away from work should be coded as vacation, personal day or compensatory time leave.

## **LEADWORKER PAY AND RESPONSIBILITIES**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

Non-supervisory employees assigned a limited responsibility for supervising the work performed by their co-workers, may receive Leadworker pay. Leadworkers may assume and exercise supervisory responsibilities and authorities up to, but not including, the full definition of a Supervisor as specified in 39-31-103, MCA. A Leadworker may not: "hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline other employees...to adjust their grievances, or effectively to recommend such action."

### **PROCEDURE**

Supervisors assign Leadworker duties. The Leadworker must be classified at the same or a lower pay grade than coworkers they supervise. Employees classified at a higher pay grade than their coworkers shall not qualify for Leadworker Pay. Employees assigned as Leadworkers shall be paid 10% of their normal hourly rate for the hours worked in that capacity. The Leadworker assignment must be scheduled to exceed one full regular shift in duration. Intermittent Leadworker assignments may be less than one full regular shift.

Employees assigned Leadworker duties will report the number of hours in their time entry method.



## **LONGEVITY PAY**

*This policy applies to all city employees with the exception of bargaining unit employees, City Administrator, Assistant City Administrator, Department Directors, Assistant City Attorney, Deputy Public Works Director, Assistant Chief of Police, Assistant Fire Chief, Assistant Aviation Director, City Engineer, and Assistant Library Director, non-bargaining employees hired on or after July 1, 2024, and Temporary and Short-Term workers. This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence.*

The City of Billings' longevity pay program recognizes certain non-bargaining employees for continued service to the city. The following non-bargaining employees are ineligible to participate in the longevity pay program: City Administrator, Assistant City Administrator, all Department Directors, Assistant City Attorney, Deputy Public Works Director, Assistant Chief of Police, Assistant Fire Chief, Assistant Aviation Director, City Engineer, Assistant Library Director, all other assistant directors, all non-bargaining employees hired on or after July 1, 2024, and all Temporary, and Short-Term Workers.

### **POLICY**

Longevity pay is based on the number of years of completed service, per the table below. A completed year means continuous employment for a period of three hundred sixty-five (365) days. The years of completed service are based on the date of hire.

Longevity pay will be made in bi-weekly paychecks. This policy applies solely to non-bargaining employees in benefited positions, but excludes City Administrator, Assistant City Administrator, all Department Directors, Assistant City Attorney, Deputy Public Works Director, Assistant Chief of Police, Assistant Fire Chief, Assistant Aviation Director, City Engineer, Assistant Library Director, all other assistant directors, all non-bargaining employees hired on or after July 1, 2024, and all Temporary, and Short-Term Workers.

Employees in benefited positions that are not otherwise excluded and that work twenty (20+) hours per week are eligible for the longevity benefit, on a prorated basis.

Employees shall receive longevity pay for each regular hour (2,080\* hours per year). Longevity is not added to the base rate of pay, unless there is overtime, in which case longevity will be calculated into the overtime rate in accordance with the Fair Labor Standards Act.

Longevity pay shall be calculated by taking the longevity pay for each regular hour, multiplying it by the number of hours per year (2,080), then dividing that amount by the number of pay periods per year, and paying that amount equally for each pay period. For example, an employee with seven (7) completed years of service:

$\$0.63 \times 2,080 \text{ hrs.} = \$1,310.40 / 26 \text{ pay periods} = \$50.40 / \text{pay period}$

*\*2080 hours annually is the equivalent of 40 hours per week.*

Teamsters bargaining unit employees may receive longevity pay in accordance with their union contract. Bargaining Police and Fire employees do not receive Longevity pay.

Employees who transfer or promote from a position in which the employee receives longevity pay, or is eligible to receive longevity pay in the future, to a position that is ineligible to participate in the longevity pay program, will cease receiving longevity pay effective as of the date of their promotion or transfer.

## **Pay Schedule**

Longevity pay is paid according to the following schedules:

Employees hired on or before 12/31/2012, will receive:

- $\$0.09 \times \text{years of completed service from the beginning his/her 4}^{\text{th}} \text{ year of service to completion of his/her 15}^{\text{th}} \text{ year.}$
- $\$0.10 \times \text{years of completed service from the beginning of his/her 16}^{\text{th}} \text{ year of service and ending at separation of service.}$

Employees hired on or after 1/1/2013, but prior to July 1, 2024, will receive:

- $\$0.09 \times \text{years of completed service from the beginning of his/her 7}^{\text{th}} \text{ year of service to completion of his/her 15}^{\text{th}} \text{ year.}$
- $\$0.10 \times \text{years of completed service from the beginning of his/her 16}^{\text{th}} \text{ year of service and ending at separation of service.}$

### **Table for Each Regular Hour**

Start of Year	Hired Before 12/31/12	Hired After 1/1/13	Hired On or After 7/1/2024
1	\$0.00	\$0.00	\$0.00
2	\$0.00	\$0.00	\$0.00
3	\$0.00	\$0.00	\$0.00
4	\$0.27	\$0.00	\$0.00
5	\$0.36	\$0.00	\$0.00
6	\$0.45	\$0.00	\$0.00
7	\$0.54	\$0.54	\$0.00
8	\$0.63	\$0.63	\$0.00
9	\$0.72	\$0.72	\$0.00

Start of Year	Hired Before 12/31/12	Hired After 1/1/13	Hired On or After 7/1/2024
10	\$0.81	\$0.81	\$0.00
11	\$0.90	\$0.90	\$0.00
12	\$0.99	\$0.99	\$0.00
13	\$1.08	\$1.08	\$0.00
14	\$1.17	\$1.17	\$0.00
15	\$1.26	\$1.26	\$0.00
16	\$1.50	\$1.50	\$0.00
17	\$1.60	\$1.60	\$0.00
18	\$1.70	\$1.70	\$0.00
19	\$1.80	\$1.80	\$0.00
20	\$1.90	\$1.90	\$0.00
21	\$2.00	\$2.00	\$0.00
22	\$2.10	\$2.10	\$0.00
23	\$2.20	\$2.20	\$0.00
24	\$2.30	\$2.30	\$0.00
25	\$2.40	\$2.40	\$0.00
26	\$2.50	\$2.50	\$0.00
27	\$2.60	\$2.60	\$0.00
28	\$2.70	\$2.70	\$0.00
29	\$2.80	\$2.80	\$0.00
30	\$2.90	\$2.90	\$0.00
31	\$3.00	\$3.00	\$0.00
32	\$3.10	\$3.10	\$0.00
33	\$3.20	\$3.20	\$0.00
34	\$3.30	\$3.30	\$0.00
35	\$3.40	\$3.40	\$0.00
36	\$3.50	\$3.50	\$0.00
37	\$3.60	\$3.60	\$0.00
38	\$3.70	\$3.70	\$0.00
39	\$3.80	\$3.80	\$0.00
40	\$3.90	\$3.90	\$0.00

## **PROCEDURE**

Human Resources determines employee eligibility.



## MEDICAL/RX, DENTAL, VISION, AND WELLNESS BENEFITS

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The City of Billings provides medical, dental, vision, and wellness benefits. Coverage begins on the 1<sup>st</sup> day of the month following the first full calendar month of employment. Employees may choose from several plan options and will be required to make premium contributions depending on the plan and level of coverage the employee chooses.

Detailed information regarding plans, level of coverage and associated premiums will be provided as a new hire and annually during the open enrollment period.

#### **Medical Plan/Rx**

The City maintains a self-funded insurance plan for full-time and permanent part-time employees working 20+ hours per week, retirees until Medicare eligibility, and eligible dependents.

All full-time and permanent part-time employees working 20+ hours per week are required to enroll in a medical/Rx plan.

#### **Dental and Vision Plans**

The City offers optional dental and vision plans. Plans and coverage levels are selected during the annual open enrollment. The plans may include participation requirements.

#### **Wellness Benefits**

City of Billings is committed to promoting wellness for its employees and supports employees in making healthier lifestyle choices and engaging in activities that promote overall well-being.

Annual incentives may be offered to employees and their spouse (if applicable), on the City's medical/Rx insurance plan for participation in wellness programs or activities. Incentive programs are not offered to Retirees or COBRA participants.

The City of Billings also offers an Employee Assistance Program (EAP) for all employees and their immediate family members enrolled on their medical plan.

## **PROCEDURE**

Detailed information regarding benefit plans can be found in the plan documents and updates provided during the annual open enrollment period, as well as online.

Announcements will be made regarding any incentive programs to City employees.

## MILITARY LEAVE

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

The purpose of this policy is to establish procedure for requesting and accounting for leaves of absence by employees of the City for participation in obligations with any branch of the United States Military Forces, including National Guard, Air National Guard and Reserve Corps.

City of Billings shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act, (USERRA, 38 USC Sec. 4031 et seq.) as well as all relevant state laws (to include MCA 10-1-1009) covering members of the United States Military Forces.

An employee who is a member of the United States Military force or Reserve Corps and who has been an employee for a period of six (6) months shall be given leave of absence with pay for a period not to exceed 120 hours in a calendar year. Employees employed less than six (6) months are entitled to unpaid leave for military leave.

Unused leave may roll to the next calendar year, not to exceed 240 hours total for the calendar year. Any excess leave, beyond 240 hours, shall be forfeited. Military Leave can be for attending regular encampments and training programs of the United States Military Forces. This leave will not be charged against the employee's annual leave.

For extended military leave, an employee's salary and benefits will not continue during the military leave of absence. Typically, salary and benefits stop on the last working day and restart on the first working day after completion of the military leave. However, employees may submit a written request to Human Resources to utilize any accrued vacation, compensatory time, and/or personal days during the leave.

Information related to health insurance benefits during Military Leave is contained in the City's Summary Plan Description.

The City may extend an employee's probationary period if the employee has not completed the probationary period prior to military leave. The extension may be equivalent to the military leave period.

In accordance with applicable law, employees on military leave will be reinstated upon satisfactory completion of military service, timely notice of intent to return to work, provided the employee is qualified, and the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reemployment.

## **PROCEDURE**

Employees must provide advance notice to Human Resources and their supervisor of their intent to take military leave and must provide appropriate documentation unless giving such notice is impossible, unreasonable, or precluded by military necessity. Payroll will make the necessary leave designation regarding their employment status.

## **OVERTIME AND CALL OUT PAY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

Overtime may be required to meet City needs and employees will be compensated accordingly. In emergencies or under unusual circumstances, non-exempt employees may be required to work overtime or be called back to work. If so, they will be paid at the rate of one and one-half times their regular rate of pay for all hours worked (in 15-minute increments) in excess of 40 hours in their workweek.

Eligible non-exempt employees called back to work, outside of their regularly scheduled work hours, will be compensated at a rate of one and one-half times their regular rate of pay for a minimum of two (2) hours. In the event the callout extends into the employee's regularly scheduled work shift, the time and one-half rate of pay shall be paid for only the actual time spent before the regular shift begins. If an employee is on standby, the number of standby hours must be reduced by the number of call-out hours earned.

Non-exempt employees may accrue compensatory time at the rate of one and one-half hours for each overtime or call out hour worked in lieu of overtime payment.

### **PROCEDURE**

All overtime must be approved in advance by the employee's supervisor. Overtime which does not have prior supervisory approval will be paid to the employee, but the employee may be subject to discipline.

Non-exempt employees who may be called back to work must furnish their supervisor with a valid telephone number. When called back to work, the employee must respond to the call back request in accordance with Department policy.

## **PAYROLL PROCEDURES AND PAYDAY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

Employees will submit their bi-weekly time entries through their established time entry method. Employees are expected to submit accurate entries for hours worked and any additional pay items, such as standby pay, call-out pay, leadworker pay, etc. See Time Keeping and Attendance System Use Policy.

Employees may make changes to certain deductions from pay, such as Federal and State tax withholdings or direct deposit changes. Such changes must be submitted to HR/Payroll one week prior to payday. Deductions for Social Security Tax and Medicare Tax are required by law and cannot be adjusted by employees.

In the event an employee is paid incorrectly, a correction will be implemented during the next available pay period. If an employee is overpaid, the overpayment amount will be deducted from the next paycheck. Upon mutual agreement between the City and the employee, deductions can be divided evenly across two or more future paychecks.

Paydays are bi-weekly, every other Friday. Each pay period covers fourteen (14) calendar days, beginning on a Monday and ending on the second Sunday. The check for the days worked is received five (5) calendar days after the end of the pay period. Employees are encouraged to utilize direct deposit for payment of wages.

### **PROCEDURE**

Employees are strongly encouraged to have their paychecks electronically transmitted to the bank of their choice through Direct Deposit. The Direct Deposit Authorization form is found on the City's website under Human Resources, Forms and Resources. Employees may enroll in Direct Deposit through Human Resources by completing the Direct Deposit Authorization Form and providing the required documentation of account information.

Paychecks for employees who did not elect direct deposit will be sent to each department/division via interoffice mail. If an employee requires other arrangements for an emergency, those arrangements must be made through Human Resources. Employees who pick up a paycheck in person at Human Resources will be required to provide valid identification. If an emergency allows the paycheck to be picked up by

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someone other than the employee, the employee must notify Human Resources and provide the individual's name. That individual will also be required to provide valid identification.

All employees will have the ability to see a copy of their pay stub in their Employee Portal account (Profile, Payroll Checks).

## **PERSONAL DAY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

A Personal Day is additional paid time off each year for employees. The Personal Days must be taken between January 1 and December 31 each year or will be forfeited.

Bargaining unit employees will comply with the negotiated Collective Bargaining Agreement regarding personal days.

The number of hours of Personal Day time awarded will correspond with the employee's primary scheduled shift. If an employee's primary scheduled shift is eight (8) hour days, then the number of hours awarded will be equal to the value of three 8-hour days. An employee whose primary scheduled shift is greater than eight (8) hours will be treated in a like manner. The maximum number of hours paid by the City for each personal day will not exceed ten (10) hours.

Non-bargaining employees hired on or after September 1 will be awarded the value of two days - either 8 hour days or 10 hour days dependent on their primary scheduled shift. Non-bargaining employees hired after November 30 will not have access to personal days until January 1.

Any unused personal day hours will be forfeited at an employee's time of separation of service.

### **PROCEDURE**

The Personal Day hours may be used at any time, with supervisory approval. Personal Day hours are paid at the regular rate of pay, and may be used in 15 minute increments.

The personal day may be used at any time, with supervisory approval.

## **RETIREMENT PLANS**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent. The information below is for the general guidance of employees, only. The terms and conditions of each retirement plan are found in the plan documents for the individual retirement plans.*

### **POLICY**

#### **Required Participation:**

Permanent City of Billings employees are required to participate in a public retirement plan administered by Montana Public Employees Retirement Administration (MPERA). Depending on the employee's bargaining unit, they will participate in one of three options:

- Public Employees' Retirement System (PERS) [www.mpera.mt.gov/\\_docs/Handbooks/PERS.pdf](http://www.mpera.mt.gov/_docs/Handbooks/PERS.pdf)
- Firefighters' Unified (FURS) [www.mpera.mt.gov/\\_docs/Handbooks/FURS.pdf](http://www.mpera.mt.gov/_docs/Handbooks/FURS.pdf)
- Municipal Police Officers' (MPORS) [www.mpera.mt.gov/members/MPORS](http://www.mpera.mt.gov/members/MPORS)

Employees and the City will contribute an established percentage of eligible earnings each pay period on behalf of each permanent employee. The contribution level for both employee and employer is determined annually by MPERA.

If any employee is a current or a previous member of MPERA, then they are required to participate in the retirement system.

#### **Optional Participation:**

City of Billings elected officials, employees already receiving retirement benefits from a system managed by MPERA, or non-permanent employees who work less than 960 hours in a fiscal year (cumulative if working in more than one PERS position) have the option to participate in the PERS system. If a non-permanent employee exceeds 960 hours in a fiscal year, then they must participate in the system and are subject to the established contribution. The City must also contribute to the retirement system for the employees once they are required to participate in the system.

Permanent City of Billings employees may choose to contribute to a supplemental retirement plan through a selected vendor. Personal employee contributions can be made to pre-tax and post-tax plans offered by the vendor.

### **PROCEDURE**

At time of hire, permanent employees will be required to enroll in one of the systems managed by Montana Public Employees Retirement Administration, and designate beneficiaries for their retirement

funds. Non-permanent employees will be required to elect or decline membership in the retirement system. If the non-permanent employee declines membership, they cannot enroll at a later date unless they exceed 960 hours worked in a fiscal year.

Employees should consult Montana Public Employees Retirement Administration [www.mpera.mt.gov](http://www.mpera.mt.gov) for detailed information about their retirement plan, and other forms and resources.

Information regarding available supplemental retirement plans will be provided to employees at time of hire. As necessary, updates to any available plans will be announced to all employees.

## **SHIFT DIFFERENTIAL PAY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

When an eligible non-exempt employee works an afternoon or night shift, their hourly rate of pay shall be increased to offset and compensate for the hours worked during established periods.

### **POLICY**

A shift differential will be paid to eligible non-exempt employees who are required by their position or assigned schedule to work the majority (50% or more) of their shift during the following times:

- afternoon shift (6:00 p.m. to midnight)
- night shift (midnight to 6:00 a.m.).

If an employee works less than 50% of their shift in the shift differential period, they will be compensated for hours worked in the respective period.

In the event a shift is evenly split between the two periods, the employee will be paid shift differential for the actual hours worked in each period.

Shift differential is not paid for Call Outs.

### **PROCEDURE**

The electronic payroll method may be programmed to automatically calculate shift differential based on hours worked during the established periods. Supervisors are responsible to ensure that correct shift differential is included for any time entry method that does not automatically calculate shift differential.

## **SICK LEAVE AND FAMILY/ER SICK LEAVE**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

Sick leave is the necessary absence from duty caused when an employee has suffered illness, injury, pregnancy-related illness, exposure to a contagious disease that requires quarantine, or the necessary absence from work to receive a medical or dental examination or treatment.

Each full-time employee earns paid sick leave from the first full pay period of employment at the rate of 96 hours per year, without restriction as to the number of hours that may accumulate. Employees may use earned sick leave after ninety (90) days of continuous employment.

An employee may not accrue sick leave while in an unpaid status.

Permanent part-time employees earn pro-rated sick leave if they have a regularly scheduled work assignment and normally work at least twenty (20) hours per week.

Temporary employees earn sick leave and may use earned hours after ninety (90) days of continuous employment. Short-term employees do not earn sick leave.

Sick leave should be used for an employee's personal illness, and medical and dental appointments. If the employee is on leave under the Family and Medical Leave Act (FMLA), sick leave must be used initially as part of the FMLA leave. Sick leave shall always be exhausted prior to utilizing vacation leave, compensatory time, personal days, or requesting leave without pay. (See FMLA Policy)

Upon separation from the City, an employee will receive a lump sum payment equal to one-fourth of the pay attributed to unused sick leave. The payment will be computed at the employee's rate of compensation at the time of separation. Upon the death of a permanent employee, unused sick leave will be paid at 100 percent.

A physician's certificate may be required to substantiate a sick leave occurrence. Physician's certificates may be paid by the City if the employee is examined by a physician of the City's choice and at a time designated by the City.

### **FAMILY/ER SICK LEAVE**

Family/ER Sick leave may also be used for an immediate household family member's (spouse, child(ren), parents and/or parents-in-law) illness, injury, pregnancy-related illness, exposure to a contagious disease

that requires quarantine, or presence at a medical or dental examination. Employees may use sick leave for family in 15-minute increments, however, the total time per year may not exceed 40 hours.

#### **ABUSE OF SICK LEAVE**

Abuse of sick leave may be indicated by sick leave that is frequent, habitual, or excessive, suggests a pattern of usage, or if the supervisor has reason to believe the employee may be misrepresenting reasons for using sick leave. Abuse of sick leave is cause for discipline up to and including termination of employment and forfeiture of the employee's payout of unused sick leave.

#### **PROCEDURE**

The immediate supervisor must be contacted regarding the employee's necessary absence from duty caused by illness, injury, pregnancy-related illness, a contagious disease which requires quarantine, or medical or dental examinations. Employees are expected to attempt contact with their superiors directly by phone prior to leaving a voice mail message, email message or text notification of sick leave usage.

## **STANDBY PAY**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

The City of Billings believes non-exempt employees who remain available at all times for emergency callouts, while off regular duty, should be compensated.

### **POLICY**

Non-exempt employees, required by their supervisor to remain available at all times for emergency callouts, while off regular duty, will be compensated for all standby time. Standby pay will be interrupted for all actual hours worked.

### **PROCEDURE**

Non-exempt employees on standby must furnish their supervisor with a valid telephone number where the employee may be contacted immediately. When called back to work, the employee must respond to the call back request.

## **TIMEKEEPING AND ATTENDANCE SYSTEM USE**

*This policy applies to all employees. To the extent that negotiated labor contracts or administrative orders conflict with this policy, those negotiated labor contracts or administrative orders control.*

### **POLICY**

Maintaining the integrity of the City timekeeping system is essential. Although supervisors have primary responsibility for overseeing the timekeeping procedures in their work units, employees are responsible for recording their time appropriately and accurately.

This policy will define the expectations and guidelines for staff who utilize the City's timekeeping systems, as well as establish accountability and best practices to be observed by staff regarding these resources. The timekeeping system can vary from an electronic timeclock, electronic timesheet, or paper timesheet entered directly into the payroll system.

Managers and supervisors must communicate this policy to their staff, ensuring adherence to this policy, and addressing violations in a timely manner.

Protecting and properly handling City employee data and information is of the highest priority to the City of Billings. The City guards sensitive information and only engages vendors and products that uphold this commitment to security.

#### **Employees Assigned to a Time Clock:**

- City employees assigned to a time clock, whether full-time, part-time, permanent, temporary, or short-term staff, will use City provided hardware and software for timekeeping, attendance recording, and reporting in its intended capacity. This includes, but is not limited to, time clock units, City mobile phones, and web portal application, and the enabled features provided by each platform.
- All employees who are assigned to a time clock will provide a biometric feature\* as a unique login identifier to enable timekeeping and attendance recording.
- All employees assigned to a time clock will use their employee number as their user ID and will be required to record time stamps for arrival at work and at the end of their shift. Employees may be required to record time stamps for departure and return from lunch.
- The timekeeping system will round to the nearest quarter hour for payroll purposes, but will register an exact time stamp for management use.
- Employees shall not clock in more than 7 minutes prior to their shift, 7 minutes prior to the end of a lunch period, 7 minutes prior to the end of their scheduled shift unless a leave request has been approved and shall not clock out more than 7 minutes after their shift unless overtime has been authorized by a supervisor or manager. Employees that earn overtime as the result of improperly clocking in early or clocking out late may be subject to disciplinary action.

**All Non-Exempt Employees:**

Employees required to work more than their normal work shift (as designated by a bargaining agreement) or 40 hours per week will be paid overtime. In some circumstances, Sick leave may not be considered hours worked for the purposes of computing overtime.

- Managers and supervisors are responsible for changing each employee's overtime as calculated by the system to the appropriate payroll code.
- If an employee calls in sick and does not have enough sick accruals to cover the absence, then whatever accrual type the employee selects to be used in place of sick will also not be included in the calculation of overtime. Appropriate payroll codes are available in the time entry system.
- Failure to properly utilize the timekeeping system may result in inaccurate pay. To the extent that corrections cannot be made within the same time period in which an error occurs, corrections may be made in a future payroll period. Intentional or repeated failures to properly utilize the timekeeping procedures could result in disciplinary action.
- Employees will timely review their recorded hours for accuracy prior to reporting them to their supervisor for approval and submittal to the payroll system.
- Time off requests are submitted and approved through the timekeeping system unless an alternate method is established by the department/division. Employees should allow adequate time for approval of planned absences.
- Accrual information for leave categories will be available to employees through their assigned timekeeping system.
- Additional features within the timekeeping system may be enabled by the City or by individual departments. This may include, but is not limited to, automated contact for overtime and coverage of open shifts, certification tracking, and mobile access.

**Exempt Employees**

Exempt employees are paid on a salary basis for the job performed on a bi-weekly basis. An exempt employee must also submit an electronic time sheet through the established timekeeping system and must record when they take vacation, use sick leave, or are out under the provisions of FMLA, Workers Compensation, or on Leave Without Pay.

An exempt employee of the City of Billings is not required to keep track of actual hours worked for the purpose of getting paid. However, there may be business reasons for keeping track of actual hours worked when required to do so for cost allocation purposes, as an example. City of Billings exempt employees do not earn compensatory time.

An exempt employee should not use vacation to cover an absence from work for less than one workday. Absences for more than one workday need to be coordinated with the employee's immediate supervisor and electronic time entry submitted to reflect the number of hours absent from work.

**\*Note: when you place your biometric feature (i.e., finger) on the time clock's scanner the software uses a mathematical algorithm to convert the unique aspects of your biometric feature into an alpha-numeric value; an image of your fingerprint is not recorded or stored, only your unique alpha-numeric value. The mathematical algorithm is proprietary to the timekeeping system and cannot be used to replicate your fingerprint or biometric feature.**

## VACATION LEAVE

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

Per MCA 2-18-611, vacation time is earned based upon years of service, and employees are encouraged to use this benefit. Employees earn vacation leave credits from the first full pay period of employment at the following rate:

Years of Service	Vacation Hours Per Year
1 to 10 years of completed service	120 hours per year
11 to 15 years of service	144 hours per year
16 to 20 years of service	168 hours per year
21 years of service and more	192 hours per year

Employees must be employed six (6) consecutive or qualifying months before the employee can use earned vacation. Part-time employees are entitled to pro-rated vacation benefits if they have regularly scheduled work assignments and have worked six (6) consecutive months.

Vacation schedules are determined by mutual agreement between the employee and supervisor. All paid leaves, including vacation, are paid in one-quarter hour increments.

The maximum accumulation of vacation leave is twice the number of hours the employee earns annually as of the end of the 26th pay period\* of the calendar year. Excess vacation time is not forfeited if taken within 90 calendar days from the last day of the calendar year in which the excess was accrued. Upon separation, the City will pay out any unused vacation leave at the regular rate of pay.

**Per MCA 2-18-617 (2) (a), unused vacation leave payout may be retained if the employee is terminated for a reason reflecting discredit upon them.**

### **PROCEDURE**

Vacation time must be accrued before it may be used. Employees must receive their immediate supervisor's approval prior to using vacation time. Requests should be submitted through the electronic time keeping system, or another method as designated by the department/division. Human Resources should be contacted concerning questions regarding vacation time earned and accrued.

*\*27<sup>th</sup> pay period if the calendar year contains 27 pay periods.*

## **WAGE TABLES AND PAY PLAN**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

All of the City's wage tables and pay plans are subject to the City Council's final approval as part of the annual budget process.

Bargaining units negotiate their Collective Bargaining Agreements, which include wages for each position.

In the event an employee is paid incorrectly, a correction will be implemented during the next available pay period. If an employee is overpaid, the overpayment amount will be deducted from the next paycheck. Upon mutual agreement between the City and the employee, deductions may be spread out evenly across several future paychecks.

### **PROCEDURE**

The City Administrator is responsible for developing, administering, and amending the pay plan to keep it uniform and equitable. Human Resources is responsible for the day-to-day administration of the City pay plan, and accurate calculation of pay. Any errors in pay will be corrected as soon as possible.

## **WORKERS' COMPENSATION**

*This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.*

### **POLICY**

Workers' compensation insurance is fully paid by the City of Billings and covers all employees.

Employees who are injured, or have an illness, as a result of their employment with the City of Billings are covered by the Workers' Compensation Act and are entitled to Workers' Compensation benefits. Benefits are administered by the City's workers compensation carrier in accordance with MCA 39.71 – Workers' Compensation. Per the City's Family Medical Leave Act policy, FMLA and Workers' Compensation leaves run concurrently, provided the reason for the absence qualifies as a serious health condition under FMLA.

Employees are responsible for reporting an accident/injury to their supervisor immediately, adhering to guidelines provided by the City's Safety and Risk Officer in regards to medical treatment, wage replacement, and return to work in either a light or full duty capacity.

### **PROCEDURE**

#### **Reporting an Injury or Illness**

Any work-related accident that occurs on the job, no matter how minor, must be reported immediately to your supervisor. The supervisor and injured employee will complete a First Report of Injury (City Accident/Injury Report) as soon as possible, and no later than 24 hours from the time of the injury, even if there are no apparent injuries at the time.

By State law, notice of injuries must be reported within 30 days after the occurrence. If not reported within the allowed timeframe, the injury is not compensable by workers' compensation. The City's Health Insurance Plan excludes coverage for work-related injuries/illnesses. If an injury is not reported timely, the employee becomes responsible for 100% of incurred medical expenses and wage loss.

By State law, notice of an occupational disease must be reported within 1 year from the date the claimant knew or should have known the claimant's condition resulted from an occupational disease.

#### **Compensation/Wage Loss**

An injured employee is eligible for temporary total disability benefits (wage replacement benefits), provided the appropriate medical documentation is provided. Per MCA 39-71-736, wage replacement

benefits from the City's workers' compensation carrier are not paid for the first 32 hours of time away from work due to the work-related injury. The injured employee must utilize sick accruals for the first 32 hours in order to remain in a paid status. If the employee does not have adequate sick accruals to cover the absence, then any other available accruals may be utilized. The employee is eligible for wage loss benefits after the first 32 hours is met.

Following the initial 32- hour waiting period, an injured employee may elect to use sick leave accruals OR workers' compensation wage replacement payments for time away from work as a result of a workplace injury. Sick leave accruals may not be used to supplement wage loss benefits paid by the City's workers' compensation carrier. An employee who receives both wages and temporary total disability benefits without written consent of the City's workers' compensation carrier is guilty of theft and may be prosecuted under MCA 45-6-301.

Wage replacement benefits are paid to the injured employee, by the City's workers' compensation carrier, in accordance with MCA 39-71-701. Generally, wage replacement benefits are paid at 66-2/3% of the injured employee's average gross base wages (as calculated over the 4 pay periods immediately preceding the date of injury). Overtime, incentive pays, and other specialty pays are not considered when calculating the employee's wage replacement benefit amount.

Per MCA 7-32-7132 and 7-32-7133, a police officer or firefighter injured in performance of their duties, must be paid the difference between their net salary and the amount received from workers' compensation until the disability has ceased, as determined by the City's workers' compensation carrier, or for a period not to exceed one (1) year, whichever occurs first.

To ensure that an injured police officer or firefighter remains in a fully paid status, the City will generate a regular paycheck while the employee is away from work. The injured police officer or firefighter will also receive wage replacement benefits paid by the City's workers' compensation carrier. It is unlawful for the injured officer/firefighter to collect benefits from both the City and Workers' Compensation for the same period. Therefore any, and all, wage replacement checks received from the City's workers' compensation carrier by the injured officer/firefighter must be endorsed and given to the city's Human Resources Associate/Risk and Safety Officer immediately following receipt.

### **Medical Expenses**

Payment of eligible medical expenses is separate from that of wage loss benefits. Payment of eligible medical expenses incurred for the treatment of a work-related injury is the responsibility of the workers' compensation adjuster assigned to the claim by the workers' compensation carrier. The adjuster approves the course of treatment recommended by the treating physician. To ensure payment of expenses, it is important for the injured employee to communicate treatment recommendations to the assigned adjuster.

### **Benefit Continuation**

During the time period that an injured employee is off work due to FMLA/Workers' Comp and receiving wage replacement benefits from the workers' compensation carrier, the employee is responsible to pay the premiums for health, dental, and medical and dependent care flexible spending accounts that would *normally* be deducted from the employee's paycheck.

In addition, to continue coverage of any additional voluntary deductions, such as Additional Life Insurance, Long Term Disability, and pre-paid legal services; the premium amounts due must also be paid by the employee while receiving wage replacement benefits. If the injured employee fails to make a required payment, benefits may be discontinued. The City's FMLA Coordinator will bill the employee for the premium amounts due. The premium statement will be sent via email to the employee's email address on record in Human Resources.

The benefit coverage will be extended for a maximum period of six (6) months. To retain benefits beyond the first six (6) months, the injured employee is responsible for the entire premium amount *including* the City's contribution.

During a leave of absence without pay, the injured employee's accruals will be discontinued until the employee returns to a paid status.

In addition, while an injured employee is away from work in an unpaid status because of the work-related illness or injury, the MPERA retirement benefit is impacted. Because the injured employee is *not* receiving wages from the City, there is *no* employee deduction for PERS, *nor* is there any City contribution made on the employee's behalf.

The injured employee is eligible, under PERS, to "buy-back" the time missed while away from work for the work-related illness/injury. In the event the employee wishes to pursue the "buy-back" option, the employee should contact MPERA to begin the process.

### **Return to Work and Light Duty**

An employee's medical provider may authorize return to work with restrictions (light duty) prior to certifying a release to full duty. The medical provider will provide the appropriate medical status form outlining the work restrictions. The employee should submit that medical status form to their supervisor or the Risk and Safety Officer. If the City can accommodate the light duty restrictions, an assignment will be offered to the employee. The City is under no obligation to provide a light duty assignment. The light duty assignment may be in another City department.

The employee is paid at their regular rate of pay while working the light duty assignment. Wage replacement benefits end at that time. If the light duty assignment is declined, then the wage replacement benefits terminate and the employee would utilize their accruals to remain in a paid status. If the work restrictions indicate a less than full-time schedule, the workers' compensation carrier would pay wage replacement benefits to the employee for the remaining, unworked hours.

A light duty assignment is temporary and must have a designated start date and end date at the time of the employee's return to work. The end date may be extended if the employee requires additional time to recover. Light duty assignments will normally not exceed a term of ninety (90) days. In extraordinary cases, the light duty assignment may be extended for an additional ninety (90) days. In no event will the assignment be extended beyond one hundred and eighty (180) days. If at any time it appears the employee is not showing sufficient improvement in their condition, they will be placed back on leave utilizing their own accruals or wage replacement benefits.



CITY OF  
**Billings**

**SECTION 5 - INFORMATION  
TECHNOLOGY CYBERSECURITY & POLICY  
MANUAL**

*Any questions regarding the contents of this policy manual should be directed to  
the IT department.*



## INFORMATION TECHNOLOGY CYBERSECURITY & POLICY HANDBOOK

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## INTRODUCTION

The purpose of this handbook is to define the policies that help ensure the security, availability, and acceptable use of the City of Billings' information technology systems and networks. This manual contains policies that strive to ensure confidentiality, security, proper use, integrity, and availability of electronic information captured, stored, maintained, and used by the City of Billings. This manual and the policies included are the document for all standards, procedures, and guidelines that are developed and implemented by the City of Billings related to the acceptable use of information systems and information system security. All users of city computing services, resources, and data are required to support this effort by complying with all established policies, guidelines, and procedures outlined in this manual. This includes compliance with all related federal and state statutes and regulations as required. All City of Billings departments will enforce the policies included in this manual. Individual departments may enhance and strengthen these policies and procedures based on their internal business needs.

Prominent among these requirements is the city's commitment to ensure that its treatment, custodial practices, and uses of Personally Identifiable Information (PII) are in full compliance with all related statutes and regulations, and the city's core values of maximizing trust, integrity, and respect for privacy. (See "**Personally Identifiable Information Policy**")

Successful compliance and protection of information systems assets require all computing system owners, operators, and users of city-owned computing and network services to read, understand, and support the "**Information Technology Cybersecurity & Policy Manual**" and all included and related city policies.

## APPLICABILITY

This manual and inclusive policies apply to ALL employees, elected officials, contractors, vendors, and other authorized individuals ("Users") who utilize city computing systems, networks, digital information, telephone systems, E-mail, internet, Wi-Fi, cellular services, and any other electronic processing or communications-related resources or services provided through the City of Billings.

## ADHERENCE

To the extent possible, all policies, processes, and procedures outlined in this manual will adhere to the National Institute of Standards and Technology (NIST), Cybersecurity and Infrastructure Security Agency (CISA), Center for Internet Security (CIS), Transportation Security Agency (TSA), and Montana Department of Justice (MTDOJ) guidelines, recommendations, frameworks, and best practices.

## VIOLATIONS

Users are required to immediately report any violations or suspected violations of these Information Technology Security Policies to a supervisor, the IT Helpdesk, the IT Security Engineer, and/or any other appropriate departmental personnel. Devices, services, systems, networks, files, or any other data owned by the City of Billings must not be used knowingly to violate the laws and regulations of the United States or any other nation or the laws and regulations of any state, city, province, or other jurisdiction in any material way. Use of any resources owned by the City of Billings for illegal activity may be grounds for disciplinary action

up to and including termination. The City of Billings will cooperate fully with any legitimate law enforcement inquiry in this regard.

Use of the City's electronic communication equipment, telephones, network, systems, software, and/or tools is a privilege. Any misuse, abuse, or unauthorized use in violation of these policies or procedures may face sanction, which may include disciplinary action, device revocation, service access termination, and/or legal action.

## **INFORMATION TECHNOLOGY, CYBERSECURITY & POLICY MANUAL OVERVIEW:**

### **ACCEPTABLE USE (IT 1A.100)**

#### **The Policy**

All users of the City of Billings' systems must comply with the terms covering device ownership, access to devices, use of devices and services, privacy, electronic records, and security of devices and services. (Refer below to the Acceptable Use Policy for full details)

### **AI SECURITY POLICY (IT 1A.110)**

#### **The Policy**

The purpose of this policy is to ensure the secure, ethical, and responsible use of artificial intelligence (AI) technologies within the City of Billings. AI has the potential to enhance city operations, improve services for residents, and increase efficiency. Still, its use must be governed by strong security measures to protect data, prevent misuse, and maintain public trust. (Refer below to the AI Security Policy for full details)

### **ANTI-PIRACY (IT 1A.120)**

#### **The Policy**

City employees must comply with the terms of all software licenses and may not use any software in any form that has not been legally purchased or otherwise legitimately obtained. (Refer below to the Anti-Piracy Policy for full details)

### **ANTI-VIRUS (IT 1A.140)**

#### **The Policy**

Information Technology will do our best to protect the City of Billings' computing resources from malicious software and viruses. (Refer below to the Anti-Virus Policy for full details)

### **ASSET AND DATA CLASSIFICATION POLICY (IT 1A.150)**

#### **The Policy**

The City of Billings will review and assess cyber asset and data classification as critical or non-critical at least every 12 months or when significant changes have been made to the environment. (Refer below to the Asset and Data Classification Policy for full details)

### **CELLULAR DEVICE POLICY (IT 1A.160)**

#### **The Policy**

The City of Billings recognizes that the performance of specific job responsibilities may require the use of a cellular device. City employees will adhere to the rules outlined in this policy for the acquisition, acceptable use, security guidelines, safe use, and general care of cellular devices, city-owned or personal, while at work and/or acting as a representative of the City of Billings. (Refer below to the Cellular Device Policy for full details)

## **CHANGE MANAGEMENT POLICY (IT 1A.170)**

### **The Policy**

Change Management seeks to minimize the risk associated with Changes. Preferred practices define a Change as "the addition, modification, or removal of anything that could affect City of Billings IT services." This includes modifications to IT infrastructure, applications, systems, processes, documentation, supplier interfaces, etc. (Refer below to the Change Management Policy for full details)

## **CLOUD SERVICES POLICY (IT 1A.180)**

### **The Policy**

The use of cloud computing services for work purposes must be formally reviewed and authorized by the IT Director. Cloud computing services are application or infrastructure resources that users access through the Internet. (Refer below to the Cloud Services Policy for full details)

## **CYBER INCIDENT RESPONSE POLICY (IT 1A.200)**

### **The Policy**

The City of Billings will take steps to identify, contain, eradicate, and recover from incidents of compromise. Incidents of compromise are exposures of information systems, including, but not limited to, physical equipment, data, account information, or account credentials that can be used by unauthorized individuals. (Refer below to the Cyber Incident Response Policy for full details)

## **CYBERSECURITY AWARENESS TRAINING POLICY (IT 1A.220)**

### **The Policy**

The City of Billings requires all employees to successfully complete all assigned Cybersecurity Awareness Training to maintain access to any information systems. (Refer below to the Cybersecurity Awareness Training Policy for full details)

## **DISASTER RECOVERY POLICY (IT 1A.240)**

### **The Policy**

The City of Billings will develop internal procedures to follow when a disaster or emergency takes place. An emergency is defined as any event, internally or externally caused, that will impact information systems and interfere with the ability of most employees to perform their job duties. A disaster is defined as any event, internally or externally caused, that will impact high-availability information systems or interfere with the ability of all employees to perform their job duties. (Refer below to the Disaster Recovery Policy for full details)

## **DISPOSAL OF DATA AND EQUIPMENT POLICY (IT 1A.260)**

### **The Policy**

The City of Billings will dispose of information technology data and equipment securely, conforming to all laws and policies of regulating authorities. (Refer below to the Disposal or Loss of Data and Equipment Policy for full details)

## **E-MAIL POLICY (IT 1A.280)**

### **The Policy**

The City's E-mail system is to be used by authorized City employees, elected officials, and volunteers to conduct efficient, secure, and professional City business communications. No other persons may use the City's E-mail system. (Refer below to the E-mail Policy for full details)

## **ENCRYPTION POLICY (IT 1A.290)**

### **The Policy**

The purpose of this policy is to establish guidelines for the use of encryption to protect sensitive data on mobile devices, servers, laptops, and desktops within the enterprise. Encryption ensures that data remains confidential and secure, even if devices are lost or stolen. (Refer below to the Encryption Policy for full details)

## **IDENTITY MANAGEMENT POLICY (IT 1A.300)**

### **The Policy**

All Access to the City of Billings' systems must be authorized and based upon individual identification and authentication. (Refer below to Identity Management Policy for full details)

## **PASSWORD POLICY (IT 1A.320)**

### **The Policy**

All passwords, passphrases, and Personal Identification Numbers (PINs) used to protect the City of Billings' systems shall be appropriately configured and changed on a periodic basis. (Refer below to Password Policy for full details)

## **PERSONALLY IDENTIFIABLE INFORMATION (PII) POLICY (1A.340)**

### **The Policy**

The City of Billings and its employees will make every effort to protect the confidential and Personally Identifiable Information (PII) of all individuals whose data is retained on the City of Billings' information systems to ensure compliance with all regulating authorities. (Refer below to the Personal Identifiable Information (PII) Policy for full details)

## **PRINTER POLICY (1A.350)**

### **The Policy**

The purpose of this policy is to establish guidelines for the use of printers within the enterprise to ensure security, manageability, and cost efficiency. (Refer below to the Printer Policy for full details)

## **REMOTE ACCESS POLICY (IT 1A.360)**

### **The Policy**

Remote access to the City of Billings' computing resources shall be authorized and granted by IT. (Refer below to Remote Access Policy for full details)

## **SOCIAL MEDIA POLICY (IT 1A.380)**

### **The Policy**

This policy applies to all social media accounts used by departments within the City of Billings. (Refer below to the Social Media Policy for full details)

## **SOFTWARE POLICY (IT 1A.390)**

### **The Policy**

Departments are required to involve Information Technology in the purchase of all software purchased by the City of Billings. Involving ITD early in the process of seeking technology-based solutions will significantly enhance the mutual goal of meeting your operational needs while avoiding solutions that may not be optimal in our environment. (Refer below to the Software Policy for full details)

## **TECHNOLOGY REPLACEMENT GUIDELINES (IT 1A.400)**

## **The Policy**

The City of Billings recognizes the importance of maintaining efficient and up-to-date technology infrastructure to deliver superior services to its residents and optimize internal operations. The Technology Replacement Guidelines aim to establish guidelines for the systematic replacement of aging or obsolete technology assets within the city's departments and agencies. By adopting this policy, the City of Billings aims to enhance productivity, reduce operational risks, and ensure the security and reliability of its technological environment. (Refer below to the Technology Replacement Guidelines for full details)

## **WIRELESS SECURITY POLICY (IT 1A.410)**

### **The Policy**

Wireless devices or networks used to access, store, process, or transmit City of Billings' information or access the City network is to be implemented securely. (Refer below to Wireless Security Policy for full details)

## **INFORMATION TECHNOLOGY CYBERSECURITY & POLICY MANUAL – Complete Policies:**

## **ACCEPTABLE USE (IT 1A.100)**

### **The Policy**

All users of the City of Billings' systems must comply with the terms covering device ownership, access to devices, use of devices and services, privacy, electronic records, and security of devices and services.

### **Scope**

This policy applies to all employees, contractors, vendors, and other authorized individuals ("Users") of the City of Billings' systems devices, networks, services, and technologies used to access, store, process, or transmit city information or connect to the city network. This policy is an integral and supportive part of the overall City of Billings' **Information Technology, Security & Policy Manual**.

### **Ownership of Devices and Services**

- 1) All Information Technology (IT) and communication devices and services, including (but not limited to) computers, peripherals, tablets, cell/smart phones, satellite phones, pagers, software, files, E-mail messages, Internet activity logs, remote access, cloud servers, and any other data or records stored on devices or other media provided by the City of Billings regardless of their physical location or the form in which they are maintained, are considered property of the City of Billings and are owned exclusively by the City of Billings.
- 2) Unless the circumstance involves legally recognized exceptions, users should not expect privacy when using any information technology, information systems, communications devices, cellular devices, desk phones, satellite phones, voice mail, city network, internet traffic, file servers, documents, or any other data owned by the City of Billings.
  - a. The City of Billings reserves the right to access, review, and/or delete any files, records, hard copy or electronic documents, E-mail messages, text messages, tweets, social media posts, blog messages, chat messages, instant messages, or other data without notice to or authorization from a User, and to seize any IT related or communication devices provided by the City of Billings

- b. The City of Billings may specifically and without notice intercept, monitor, record, copy, audit, inspect, and disclose to authorized personnel any or all uses or the contents of these systems, the internet, E-mail, phone systems, voice mail, all files, all logs, system history records, and all network traffic.
- c. Evidence of criminal activity will be turned over to appropriate City and law enforcement officials.

3) City devices, including all communication devices, are provided to meet City business needs and are not part of any City employee benefit programs.

4) All city-defined rights and privileges continue after the User ceases to have authorized access to a device or service provided by the City of Billings.

### **Access to Devices and Services**

- 1) Use of IT or communication devices and access to the local area network, wide area network, wireless local area network, and other services are restricted to employees authorized by a department supervisor or contractors authorized by their contract manager. Users will only be granted access to the resources required to perform job/contractual duties.
- 2) Supervisors or contract managers shall request from the appropriate IT personnel all needed IT devices and access rights for new Users.
- 3) Departments are required to purchase all city-owned computer hardware through or be approved by ITD. This includes desktops, laptops, tablets, servers, electronic storage, network printers, networked copiers, cellular devices, network routers, network switches, wireless access points, wireless controllers, IP cameras, telephones, conference phones, and/or anything that may connect to our city network, integrate with other existing city technology, and/or ITD will be called upon to support. If computer hardware is purchased with IT approval, IT will allow access to the city network, and IT support services will be offered. Although IT is available to assist, individual departments may purchase accessories such as keyboards, mice, printer consumables, speakers, monitors, monitor stands, etc., without consulting ITD.
- 4) The User and the User's supervisor or contract manager share responsibility for immediately notifying the appropriate Information Technology Department (ITD) personnel of any changes in the User's status, including name change, transfer to another position, termination of employment or contract, or any changes in the User's responsibilities which would alter the access rights required.
- 5) For transferring employees, the User's previous supervisor shall notify the appropriate ITD personnel of all IT and communication devices, services, and access rights the User has, the name and title of the User's new supervisor, and the date of the transfer. The User's new supervisor must request from the appropriate ITD personnel all needed IT and communication devices, services, and access rights now required for the User.
- 6) For employees who will no longer be working for the City of Billings, the User's supervisor shall immediately notify the appropriate ITD personnel of all IT and communication devices, services, and access rights the User has and the date the User's access is to be terminated. Upon the termination date, ITD will deactivate the User's account. It is the

User's responsibility to return any tablets, laptops, cell/smart phones, pagers, or other portable devices provided by the City of Billings to the User's supervisor or appropriate ITD personnel.

- 7) The City of Billings will take reasonable steps necessary to accommodate all Users and ensure compliance with the Americans with Disabilities Act. Accommodation will be provided on a case-by-case basis.

## Use of Devices and Services

- 1) General Use:
  - a. Use of the City's electronic communication equipment, systems, and/or tools is a privilege.
  - b. Misuse, abuse, or unauthorized use in violation of this policy may result in:
    - i. Loss of access to systems or tools.
    - ii. Disciplinary action up to and including termination.
- 2) Unauthorized Use:
  - a. Users shall not:
    - i. Permit unauthorized use of IT or communication devices, services, software, files, or any other data or records stored on equipment provided by the City of Billings, including that on disposable or portable storage media.
    - ii. Access, disclose, or delete files or records without explicit authorization.
- 3) Authorized Use Only:
  - a. Users may only:
    - i. Access, use, disclose, or delete files, records, or other data required to perform authorized responsibilities.
    - ii. Utilize City-provided systems for work-related purposes unless explicitly permitted for personal use (see Section 4).
- 4) Users shall not use any IT or communication device, service, software, file, or other data or records owned by the City of Billings to gain personal or financial benefit for the User or anyone else.
- 5) Any use of IT or communication devices, computer systems, networks, E-mail, phones, or other city devices that violate the Montana Code Annotated Code of Ethics is prohibited.
- 6) All policies of the City against discrimination and harassment apply in full to the use of the City's electronic communications equipment, internet, systems, and tools. Purposely accessing, sending, writing, or, in any way, posting, forwarding, or sharing messages that contain threats, harassment (including sexual harassment), racist, discriminatory, inflammatory, slanderous, obscene, profane, vulgar, offensive, suggestive, content demeaning to others, political endorsements, political lobbying, religious activities, or that encourage illegal or prohibited activities is in direct violation of the City of Billings' policies.
- 7) All users of the City of Billings' computing systems must be knowledgeable of and adhere to city policies and respect the rights of other users by minimizing unnecessary network traffic that might interfere with the ability of others to make effective use of this shared network resource, respect the integrity of the physical facilities and controls, and obey all federal, state, county, and local laws and ordinances. Examples of activities that could

result in unnecessary network traffic include but are not limited to watching streaming online videos, listening to online music, streaming audio broadcasts/podcasts, downloading large files, constant or frequent access to non-work related websites, or installing non-work related applications on city systems that constantly update information real-time.

- 8) Taking advantage of another user's naiveté or negligence to gain access to any User ID, data, software, or file that is not your own and for which you have not received explicit authorization to access is strictly prohibited.
- 9) Impersonating another user or communicating under a false name is explicitly prohibited.
- 10) IT and communication devices and services (including the use of E-mail, cellular devices, desk phones, and the Internet) are provided to Users to aid in the performance of City business. Limited, occasional, or incidental use for personal, non-business purposes is allowed so long as it is of a reasonable duration and frequency, does not interfere with the performance of job duties, does not impact the speed, performance, and/or security of the city network, does not violate any laws or regulations, does not violate any city policy and is not in support of a personal business or personal financial gain. Personal, non-city business use of IT and communication devices, services, software, and the Internet shall be limited to use before scheduled work hours, during breaks, lunch, and after scheduled work hours.
- 11) Users are prohibited from using their City E-mail account for their personal use. Any use that extends beyond limited, occasional, or incidental may result in disciplinary action. Users should not sign up to receive regular non-business communication including, but not limited to, alerts, special deals, newsletters, sales, event tickets, reservations, appointments, account updates, etc. Users are NOT allowed to access 3<sup>rd</sup> Party E-mail using any City of Billings' computer system unless authorized by their supervisor and approved by ITD. Refer to the City's **E-mail Policy** for more details.
- 12) Users are prohibited from installing or using applications on their city-owned computer, laptop, tablet, smartphone, or any other city device that are non-business related or that have not been approved by ITD for use on City systems. Refer to the City's **Software Policy** for more details.
- 13) Users shall use all City of Billings' computer systems, networks, communication devices, Internet, phone systems, messaging, voice mail, blogs, website, and their assigned E-mail accounts appropriately. Users shall not knowingly transmit, share, retrieve, or store any communication that is discriminatory or harassing; derogatory to any individual or group; obscene or pornographic; vulgar or profane; slanderous, defamatory or threatening; containing political endorsements or lobbying; religious activities; in violation of another User's privacy; used in order to propagate any virus, ransomware, worm, Trojan horse, or trap-door program code; used to plagiarize or copy copyright-protected material; used for crypto mining, or used for personal profit or illegal purposes. Users may forward or redistribute E-mail, text, voice mail, instant messages, chats, or other messages received by them only when doing so fulfills a legitimate business need of the City of Billings. No personal messages, chain letters, dangerous or infected attachments or links, or other unauthorized messages may be forwarded from a User's E-mail account except to the Information Technology Department (ITD) for analysis, awareness, and review.

- 14) Sending or receiving copyrighted materials without the permission of the copyright holder is prohibited.
- 15) Confidential or Sensitive Information: Users must follow all rules, regulations, and guidelines outlined in the Personally Identifiable Information (PII) Policy and the E-mail Policy before sending any communications that include confidential and/or sensitive data.
- 16) Employees who receive objectional E-mail, text, voicemail, phone call, or any other content or are in violation of City policy should print, save, and/or otherwise document the message/conversation and immediately inform their supervisor. The supervisor should then notify the Human Resources and Information Technology Departments.
- 17) Accessing any inappropriate Internet site is prohibited, including sites that are obscene, hateful, harmful, malicious, hostile, threatening, abusive, vulgar, defamatory, profane, or racially, sexually, or ethnically objectionable is not permitted. Inappropriate use of the Internet also includes participation in "chat rooms" not related to assigned job responsibilities; playing games; selling or promoting the sale of merchandise for personal gain; monitoring or actively engaging in financial interests, crypto mining, or stock market trades; downloading music, games, pictures, video, freeware, or software; or using unauthorized instant messaging. Users who intentionally visit inappropriate sites or inappropriately use the Internet will face sanctions. (This restriction does not apply to Users who have a legitimate business need to access otherwise prohibited Internet sites and who have approval from their department director and ITD.)
- 18) Employees, contractors, vendors, and all other authorized users of the City of Billings' computer systems, laptops, tablets, smartphones, and any other internet-capable devices may not use any feature including, but not limited to, private browsing, proxies, private VPN, or any other internet browser feature that masks or hides the identity or location of the person and/or device that is accessing the internet.
- 19) The City of Billings and the State of Montana use independently supplied software and data as a web filter to block specific inappropriate categories of Internet sites. A User who has a legitimate business need to access a blocked site may submit a written request, approved by the user's Department Director, to the IT Director to have the site unblocked. The fact that a site is not blocked does not imply that it is acceptable, appropriate, or permissible to access.
- 20) User access to the Internet may be recorded in an Internet activity log, which is available for review by designated ITD, Human Resources, Administration, Legal, Police, and/or appropriate directors and supervisors. When inappropriate use of the Internet is discovered or suspected, the staff member will immediately notify Information Technology and Human Resources of the inappropriate use. Inappropriate use includes but is not limited to the amount of time an employee spends accessing the internet for non-business-related use, resulting in an abuse of city resources and possible time theft. The City of Billings' Administration, Human Resource Director (HRD), and/or Department Director may direct ITD to limit and/or disable all User Internet access. Access to the Internet may be restored upon direction to ITD from Administration, HR, and/or the Department Director.
- 21) Subject to recognized legal exceptions or court order, electronic communications of any kind may be considered a public record. It may be subject to public disclosure and/or records retention rules in accordance with applicable law.

- a. E-mail, chat, text, social media, and voice mail messages that are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions, or transactions are public records. Examples of messages that may constitute public records include but are not limited to policies and directives, correspondence or memoranda related to official business, agendas and minutes of meetings, any documents that initiate, authorize, or complete a business transaction, final reports, or recommendations.
- b. The complete rules, regulations, schedules, and policies pertaining to the City of Billings' Public Records and Records Retention Policies are available through the City Clerk's Office.

22) Unless the circumstance involves legally recognized exceptions, employees have no right to privacy concerning the use of the city's phone system. The city reserves the right to log the details of all incoming and outgoing calls to city phones, including, but not limited to, desk phones, softphones, conference phones, and cellular devices.

23) Personal long-distance calls may not be made at the City's expense. The City reserves the right to review all phone (desk, cellular, or other) records to monitor for any misuse.

24) City of Billings' employees will not run any network scanning, packet analysis software, or vulnerability tools, including but not limited to Wireshark, Nmap, Nessus, OpenVAS, hping, or Snort, without the approval of the IT Director.

25) The City has no control over and is not responsible for the content of information available on the internet.

26) Employees may not change, alter, copy, or transfer files belonging to others without authorization.

27) Depending on the facts of a specific situation, unauthorized use of computer resources may be a violation of 45-6-311, MCA, and may result in disciplinary actions up to and including termination. See Appendix A.

## **Security of Devices and Services**

- 1) All City of Billings' department computer hardware, tablets, smartphones, laptops, other portable devices, and other peripheral device purchases must be coordinated with ITD to maintain system compatibility throughout the City of Billings' network.
- 2) Users shall not attempt to install or attach any unauthorized external device to a City of Billings' computer or network without prior authorization from ITD.
- 3) Users should work with ITD on all hardware upgrades and/or additions. Contacting the IT Help Desk and involving ITD ensures the highest level of technical support and compliance with IT policies, including security, software, and access to network resources.
- 4) Users shall not attempt any computer repairs without ITD authorization.

- 5) Users shall not take actions to defeat security systems on any computer, server, network, software, wireless, or any other electronic device owned by the City of Billings.
- 6) ITD personnel may confiscate, disconnect, or otherwise disable any device that violates policy and/or poses a threat to the security and reliability of the City of Billings' network.
- 7) Employees may not knowingly introduce, transmit, distribute, or in any way share programs, files, programs, hard drives, flash/thumb drives, CD/DVD ROM, or anything that contains fraudulent or malicious content such as viruses, worms, Trojan Horses, Ransomware, phishing, DDOS, malware, spoofing, or botnets.
- 8) Any misuse that compromises system security is prohibited.

#### **Identity and Password Management:**

- 1) Users shall follow the policy and procedures defined in the **Identity Management Policy** contained within the **Information Technology Cybersecurity & Policy Manual**.
- 2) Password Management: Users must utilize passwords, passphrases, PIN codes, or biometric security measures to protect city-issued network-connected devices and voice mail systems in accordance with the City of Billings **Password Policy** contained within the **Information Technology Cybersecurity & Policy Manual**.

#### **Information Technology Equipment Requirements**

- 1) The City of Billings' servers and network equipment should be in limited-access areas that are only accessible to authorized personnel. All new facilities and remodel plans should consult with ITD to ensure adequate space is allocated for technology & security requirements.
- 2) All City of Billings' server/storage arrays will be backed up on a routine basis. The frequency of backups will vary depending on variables such as the data's importance, size, and how often the data changes. All scheduled archival back-ups will be stored securely in on-site and off-site/secure cloud locations defined in the IT Incident Response Plan.
- 3) Removable data devices, including, but not limited to, USB drives, CD/DVDs, and external drives, should be protected by appropriate physical means from modification, theft, or unauthorized access. Removable devices containing Personally Identifiable Information (PII) must be protected with a password that meets the City of Billings' Password Policy.
- 4) ITD shall automatically check and implement system security patches as necessary. Servers will be protected by a comprehensive firewall.
- 5) ITD's goal is to protect all equipment owned by the City of Billings running Windows, Linux, or MacOS with updated endpoint security software, including comprehensive malware detection. Users are not allowed to disable endpoint protection unless ITD authorizes them to do so.
- 6) The City reserves the right to filter Internet access to preclude dangerous, harmful, and/or inappropriate website connections.

7) The City of Billings' Information Technology Department (ITD) has the right to update the systems, network, and/or security measures at any time.

## **Appendix A: Montana Code Annotated**

### **45-6-311. Unlawful use of a computer.**

- 1) A person commits the offense of unlawful use of a computer if the person knowingly or purposely:
  - a. obtains the use of any computer, computer system, or computer network without consent of the owner;
  - b. alters or destroys or causes another to alter or destroy a computer program or computer software without consent of the owner; or
  - c. obtains the use of or alters or destroys a computer, computer system, computer network, or any part thereof as part of a deception for the purpose of obtaining money, property, or computer services from the owner of the computer, computer system, computer network, or part thereof or from any other person.
- 2) A person convicted of the offense of unlawful use of a computer involving property not exceeding \$1,500 in value shall be fined not to exceed \$1,500 or be imprisoned in the county jail for a term not to exceed six months or both. A person convicted of the offense of unlawful use of a computer involving property exceeding \$1,500 in value shall be fined not more than 2 1/2 times the value of the property used, altered, destroyed, or obtained or be imprisoned in the state prison for a term not to exceed 10 years, or both.

## **AI SECURITY POLICY (IT 1A.110)**

### **The Policy**

The purpose of this policy is to ensure the secure and responsible use of artificial intelligence (AI) technologies within the City of Billings. AI has the potential to enhance city operations, improve services for residents, and increase efficiency. Still, its use must be governed by strong security measures to protect data, prevent misuse, and maintain public trust.

### **Scope**

This policy applies to all AI systems used, developed, or procured by the City of Billings. It encompasses all departments, employees, contractors, and third-party service providers who design, deploy, or interact with AI technologies on behalf of the city.

### **Definitions**

Artificial Intelligence (AI): Any system that performs tasks that traditionally require human intelligence, including but not limited to natural language processing, machine learning, computer vision, and robotics.

AI Governance: AI Governance refers to the framework of policies, procedures, and oversight mechanisms that ensure the responsible development, deployment, and use of artificial intelligence within the City of Billings. This governance structure is designed to promote security, transparency, and compliance with relevant regulations.

Data: Information collected, processed, or generated by AI systems, including personal data, sensor data, and operational data.

**Sensitive Data:** Data that requires protection due to its confidential, personal, or mission-critical nature.

## **Data Security and Privacy**

AI systems must adhere to the following data security principles:

- 1) Data Minimization: Only collect and store data necessary for the system's purpose. Avoid unnecessary data retention.
- 2) Data Encryption: Encrypt sensitive data at rest and in transit to prevent unauthorized access.
- 3) Access Control: Ensure access to AI systems and data is restricted to authorized personnel only. Implement multi-factor authentication (MFA) for critical systems
- 4) Anonymization and De-identification: Ensure that personal data processed by AI systems is anonymized or de-identified whenever possible to protect resident privacy.

## **Risk Assessment and Management**

Before deploying any AI system, the responsible department must:

- 1) Conduct a Risk Assessment to identify potential vulnerabilities, including cybersecurity threats, privacy risks, and unintended biases.
- 2) Implement necessary safeguards to mitigate identified risks, including regular software updates, patches, and third-party security reviews.
- 3) Establish a Mitigation Plan in the event of system failure, security breaches, or misuse of AI technologies.
- 4) Configure internal network policies and access controls to ensure information is restricted according to CJIN and City policy requirements.

## **Transparency**

The City of Billings is committed to ensuring that AI systems are transparent and operate fairly. All AI projects must:

- 1) Make efforts to explain AI decisions to the public, particularly in cases where AI influences critical decisions impacting city residents (e.g., law enforcement, resource allocation).

## **Third-Party AI Services**

When contracting with third-party vendors for AI solutions, the City of Billings will:

- 1) Require vendors to adhere to the city's AI security standards.
- 2) Conduct security audits of third-party AI services, including code reviews and data handling practices.
- 3) Ensure vendors provide ongoing support, updates, and security patches to maintain the integrity of the AI system.

## **Reporting AI Abuse**

- 1) Examples of AI abuse include but are not limited to:
  - a. Misuse of AI tools for phishing, malware, or cyberattacks
  - b. Unauthorized access to or manipulation of AI systems
  - c. Exploiting AI for fraud, bias, or unethical behavior
  - d. Breaches of privacy or data security due to AI activity
- 2) Immediate Actions to Take
  - a. Stop engaging with or using the affected AI system
  - b. Record relevant details, such as:
    - i. Time and date of the incident
    - ii. Affected systems or accounts
    - iii. Screenshots, logs, or communications related to the abuse
- 3) Report the Incident
  - a. Email [Security@billingsmt.gov](mailto:Security@billingsmt.gov) with the following information:
    - i. Description of abuse
    - ii. Any evidence collected
    - iii. Contact information for follow-up

## **Violations and Enforcement**

Failure to comply with this policy may result in disciplinary actions, including but not limited to:

- 1) Temporary or permanent suspension of IT privileges, including access to AI systems and city networks.
- 2) Formal warnings or reprimands in accordance with City of Billings HR policies.
- 3) Termination of employment or contract in cases of severe violations.
- 4) Legal action if the misuse of AI technologies leads to breaches of privacy, security threats, or unethical conduct.

The City of Billings reserves the right to monitor AI usage and investigate any suspected violations. Employees and contractors are expected to report any misuse or security concerns to IT Security immediately.

## **ANTI-PIRACY (IT 1A.120)**

### **The Policy**

City employees must comply with the terms of all software licenses and may not use any software in any form that has not been legally purchased or otherwise legitimately obtained.

### **Scope**

This policy applies to all authorized users and all devices, networks, services, and technologies used to access, store, process, or transmit city information or connect to the city network. This policy is an integral and supportive part of the overall City of Billings' **Information Technology Cybersecurity & Policy Manual**.

### **Background**

Software and files obtained without proper authorization create the risk of infection through viruses, Trojans, ransomware, and various forms of malware. Additionally, there may be legal issues, such as contractual terms or criminal violations, that create risk in the public trust of the

City and subject the City to legal impact through actions related to the improper acquisition of software.

### **Principles of Anti-Piracy**

- 1) Unauthorized or illicitly obtained software may not be loaded or used on any City computer system.
  - a. Examples of Unauthorized or Illicitly Obtained Software
    - i. Pirated Software
      1. Software illegally copied, distributed, or used without proper licensing or payment
    - ii. Cracked Software
      1. Software altered to remove licensing or activation requirements
    - iii. Keygen or License Generators
      1. Tools used to generate fake license keys for paid software
    - iv. Unlicensed Copies
      1. Legitimate software installed or used beyond the terms of its license agreement
    - v. Gray Market Software
      1. Software acquired through unofficial channels, often at a discounted price, that may not comply with licensing terms
    - vi. Trial Software Misuse
      1. Prolonging the use of trial versions beyond the intended period through illegitimate means
    - vii. Counterfeit Software
      1. Physical or digital copies of software designed to appear legitimate but are fake
    - viii. Unauthorized Software Copies
      1. Internal duplication or sharing of software without proper licensing
    - ix. Malicious Software Disguised as Legitimate
      1. Illicitly modified software bundled with malware or spyware
- 2) Copying software that is licensed by the City for use on computers that do not belong to the City is prohibited.
- 3) Copying City of Billings-owned software for use on a non-City asset to perform non-City business is prohibited.

### **ANTI-VIRUS (IT 1A.140)**

#### **The Policy**

The Information Technology Department (ITD) will do its best to protect the City of Billings' computing resources from malicious software and viruses.

#### **Scope**

This policy applies to all authorized users and all city devices, networks, services, and technologies used to access, store, process, or transmit city information or connect to the city network. This policy is an integral and supportive part of the overall City of Billings' **Information Technology Cybersecurity & Policy Manual**.

#### **Monitoring**

- 1) ITD reserves the right to scan the network and computing resources for malicious software, including but not limited to viruses, malware, ransomware, or spyware.
- 2) ITD reserves the right to quarantine any network or computing resource that may pose a risk to the City's network.
- 3) ITD reserves the right to disconnect from the City's network any device inadequately protected by anti-virus or anti-spyware software.
  - a. Computing devices removed from the City network for non-compliance must confirm appropriate remediation prior to reconnection to the City's network.

### **Anti-Virus Requirements**

- 1) Servers, desktops, and laptops are required to have commercial endpoint security software, which includes anti-virus protection installed, properly configured, and running at all times.
- 2) When possible, servers, desktops, and laptops should have a firewall installed and in use. Computers should be configured to check for new updates automatically.
- 3) Anti-virus software must be configured to remove the virus automatically.
- 4) Users shall not disable automatic virus scanning on their local machines.
- 5) Server administrators will only disable endpoint security software on server machines after consulting network and/or security personnel.

### **Anti-Virus & Spyware Scanning**

- 1) Users should limit scans to devices within their local resources, such as hard drives, CDs, or USB drives, and avoid scanning network resources.
- 2) All electronic mail entering the city network (i.e., to/from the Internet) must be scanned. The City reserves the right to scan all outgoing electronic mail.
- 3) Electronic mail entering or leaving the city network may be blocked based on file type, file size, and/or content.

### **Anti-Virus Updating**

The IT Department will automatically update and maintain any endpoint security products.

### **Virus Reporting**

- 1) Users must notify the ITD helpdesk immediately when a computer virus is suspected or detected.
- 2) If a virus is suspected or detected, the infected computer must be removed from the network or powered off until IT personnel can conduct a full scan of the affected device(s).

### **User Responsibilities**

Users should not open any files attached to electronic mail from unknown or untrusted sources. Electronic messages with suspicious subject lines or content should be deleted without opening.

## ASSET AND DATA CLASSIFICATION (IT 1A.150)

### **The Policy**

The City of Billings will review and assess cyber asset and data classification as critical or non-critical at least every 12 months or when significant changes have been made to the environment.

### **Scope**

A risk-based information data and computer asset classification scheme will be followed to ensure that data is handled and managed appropriately. Data and computer assets are to be classified in a manner that indicates the need, priorities, and expected degree of protection appropriate to the nature of the data and the potential impact of misuse.

### **Definitions**

To ensure clarity and consistency, the following key terms are defined:

**Critical Data:** Information essential to the City's operations, public safety, or regulatory compliance. Unauthorized access, loss, or corruption of this data could result in significant financial, legal, operational, or reputational damage.

**Non-Critical Data:** Information that, while valuable, does not pose a significant risk if compromised. Loss of access may cause inconvenience but does not directly impact essential city functions.

**Risk-Based Classification Scheme:** A structured approach that categorizes data and assets based on their sensitivity, potential impact, and required security controls. This scheme ensures data is protected proportionally to its importance and associated risks.

**Role-Based Access Control (RBAC):** RBAC is a security framework that restricts system access based on a user's role within an organization. Instead of granting permissions to individuals directly, RBAC assigns permissions to specific roles, and users are granted access based on their assigned roles. This ensures that employees, contractors, and third-party users only have access to the data and systems necessary for their job functions, reducing the risk of unauthorized access and data breaches.

### **Data and Asset Classification Levels**

City of Billings data and assets will be classified into the following levels based on sensitivity and impact:

#### 1) Critical Data and Assets

##### a) Includes:

- i) Personally Identifiable Information (PII) (e.g., Social Security numbers, driver's licenses).
- ii) Protected Health Information (PHI) under HIPAA.
- iii) Financial and banking records, including payroll data.
- iv) Public Safety records and Criminal Justice Information (CJI).

- v) SCADA (Supervisory Control and Data Acquisition) systems managing water, electricity, and emergency response.
- vi) Sensitive GIS datasets related to infrastructure and emergency response.
- vii) Systems or data essential for continuity of government operations.

b) Security Measures

- i) Strong encryption for storage and transmission.
- ii) Strict access controls and multi-factor authentication (MFA).
- iii) Regular security audits and monitoring for unauthorized access.
- iv) Backup and disaster recovery plans with regular testing.

## 2) Non-Critical Data and Assets

a) Includes:

- i) Publicly available datasets (e.g., city zoning maps, general GIS layers).
- ii) Internal documentation and reports that do not contain sensitive information.
- iii) Archived records that do not contain regulatory or personally identifiable data.
- iv) Routine administrative correspondence

b) Security Measures:

- i) Basic access controls to prevent unauthorized modification.
- ii) Encryption encouraged but not mandated.
- iii) Regular backups, but restoration priority is lower than critical systems.

## **Data Protection and Access Control Based on Classification**

The City of Billings enforces data protection measures that align with the classification of each asset:

1) Access Controls:

- a) Critical data requires role-based access controls (RBAC) with authorization based on job function.
- b) Non-critical data may have broader access but must follow general security best practices.

2) Data Retention and Disposal:

- a) Critical data must be retained per regulatory requirements and securely disposed of when no longer needed.
- b) Non-critical data may follow standard archiving and disposal processes (may be subject to regulatory document retention requirements).

3) Incident Response and Mitigation:

- a) Critical data breaches require immediate escalation, forensic analysis, and reporting.
- b) Non-critical data incidents will be assessed for risk but may not require urgent intervention.

**Review and Updates**

The IT Department will review the classification scheme annually to:

- 1) Ensure alignment with evolving cybersecurity threats and regulatory requirements.
- 2) Adjust security controls and policies based on emerging risks.
- 3) Provide updated training for staff on handling classified data.

**CELLULAR DEVICE POLICY (IT 1A.160)**

**The Policy**

The City of Billings recognizes that performing certain job responsibilities may require the use of a cellular device. City employees will adhere to the rules outlined in this policy regarding the acquisition, acceptable use, security guidelines, safe use, and general care of cellular devices, city-owned or personal, while at work and/or acting as a representative of the City of Billings.

**Scope**

This policy applies to all City of Billings employees issued a city-owned cellular device or those employees who are approved to receive a stipend for business use of their personnel cellular device. For this document, a basic cell phone, smartphone, tablet, satellite phone, air card, or any cellular-enabled device will be referred to as a “cellular device” throughout the remainder of this policy.

Employees who hold positions that require a cellular device (see eligibility criteria below) may be issued a city-owned cellular device or paid a monthly cellular device stipend to compensate for business-related costs incurred when using their cellular device at work and/or acting as a representative of the City of Billings. Employees who desire to use their personal cellular devices for city business must meet the eligibility requirements and agree to the stipend rules and conditions outlined in this policy.

**Oversight, Approval, & Funding**

- 1) Individual departments are responsible for identifying employees who hold positions that include the need for a cellular device. Each department is strongly encouraged to review whether a cellular device is necessary.

- 2) Non-exempt employees who are issued a city-owned cellular device or approved for a stipend to use their personal cellular device for city business should only check their city email after regular work hours if there is a legitimate need. Employees must receive prior approval for overtime, which includes overtime spent checking city email.
- 3) Department Directors and/or their designee(s) are responsible for approving the issuance of all new city-owned cellular devices and/or monthly cellular device stipend agreements. All cellular device stipend requests must complete the Cellular Stipend Authorization Form. For all approved cellular devices:
  - a. For city-owned cellular devices:
    - i. An authorized supervisor within the department must contact the Information Technology Department (ITD) via phone or E-mail to request a new cellular device and/or changes to any existing services.
    - ii. ITD will coordinate with the requesting department and facilitate purchases and billing arrangements for the city-owned cellular device, accessories, insurance, and any other associated costs.
  - b. For all approved stipends:
    - i. The department must send a copy of the departmental-approved Cellular Stipend Authorization Form to ITD. ITD will record the stipend agreement and provide the assistance needed to each employee in transitioning away from a city-owned device.
    - ii. Departments will be responsible for submitting Employee Reimbursement requests through the Accounts Payable (AP) System for each employee in their department who has an active authorized Cellular Stipend Agreement.
    - iii. Finance requires a copy of the signed stipend authorization form to be submitted with every AP Employee Reimbursement Request.
    - iv. Departments must notify ITD if an employee leaves employment or, for any reason, ends an established stipend agreement.
- 4) Department Directors and/or their approved designee(s) are responsible for overseeing employee cellular device needs and assessing each employee's continued need for a cellular device for business purposes. The need for a cellular device should be reviewed periodically to determine if existing city-owned cellular device or monthly cellular device stipend agreements should be continued as-is, changed, or discontinued. ITD must be notified of all desired changes to existing agreements for city-owned cellular devices and/or any stipend agreement.
- 5) Expenses related to the purchase and maintenance of city-owned cellular devices are funded by the department that submits the request. For personal cellular devices covered by a stipend agreement, the authorizing department is only responsible for the monthly stipend amount. The City will NOT fund the purchase of the personal cellular device, including the purchase of cases or charging cords/adapters (e.g., wall plug, vehicle adapter).

## **Eligibility**

- 1) Employees whose job duties include the frequent need for a cellular device may be issued a city-owned cellular device or may be approved to receive extra tax-free compensation in the form of a monthly cellular device stipend to cover business-related costs. An employee may

receive a city-owned cellular device or cellular device stipend if their Department Director and/or their designee approves the need for such. Below are guidelines for employees who may be allocated a city-owned cellular device or may be approved for a monthly stipend for the use of their personal cellular device:

- a. The job function of the employee requires considerable time outside of their assigned office or work area, and it is essential to the City that they are accessible during those times;
- b. The job function of the employee requires them to be accessible outside of scheduled or normal working hours where time-sensitive decisions/notifications are required;
- c. The job function of the employee requires them to have wireless data and internet access and/or
- d. The employee is designated as a "first responder" to emergencies.

2) An employee who only occasionally is contacted for business purposes is not eligible for a city-owned cellular device or a stipend; however, they may submit a record of these expenses for reimbursement as outlined in the "Infrequently Cellular device Use" section of this policy.

3) Employees provided with a city-owned cellular device are only eligible for a stipend on their personal cellular device if otherwise approved by their Department Director and/or designee.

4) This policy recognizes that not all employees may require the use of a cell phone for business use.

### **Stipend Plan**

If an employee meets the eligibility requirements for a cellular device, as outlined above, AND the Department Director or designee approves a monthly cellular device stipend, then the department must fill out the "Cellular Stipend Authorization Form" approving a stipend for that employee and submit a copy of the form to the Information Technology Department (ITD).

- 1) Employees who receive a monthly stipend agree to purchase and maintain a device that meets the City's technical standards and to use their personal phone for City business.
- 2) The City will NOT pay for the purchase of personal cellular devices, smartphones, tablets, accessories, activation fees, and/or insurance.
- 3) Employees that have a city-owned cellular device and are moving to a Stipend Plan must turn their city-owned device into Information Technology.
- 4) Employees who receive a monthly stipend are solely responsible for their cellular device. Employees are 100% responsible for replacing and/or repairing any personal cellular device that is lost, stolen, damaged, or otherwise inoperable. Employees must obtain a replacement device within one week of the issue occurring unless extenuating circumstances prevent timely replacement. In such cases, employees must notify their supervisor as soon as possible to discuss alternative arrangements.
- 5) The stipend amount for the authorized employee will be paid by their department through an Accounts Payable Employee Expense Reimbursement Request. Amounts paid for cellular device service are a non-taxable benefit. The City will pay only the agreed upon stipend amount.

- 6) The authorized monthly stipend amount cannot exceed the actual expenses incurred by the employee for the cellular services.
- 7) The stipend allowance is neither permanent nor guaranteed. The City reserves the right to remove a participant from this plan and/or cancel the stipend for business reasons.
- 8) The amount of the stipend will be determined based on the type of plan required of the employee's position to perform his or her job responsibilities. A tiered model based on the current \*market rates includes the following options:
  - a. Voice only - \$20 per month \*
  - b. Voice & Data - \$40 per month \*

\* - Amounts subject to change in accordance with market rates

- 9) Stipend - Employee Rights and Responsibilities:
  - a. The employee is responsible for purchasing a cellular device and establishing a service contract with the cellular device service provider of his/her choice. The cellular device contract is in the name of the employee, who is solely responsible for payments to the cellular provider for all service costs, overages, taxes, fees, late charges, and/or all associated charges.
  - b. Because the cellular device is owned personally by the employee, the stipend provided is not considered taxable income, and the employee may use the phone for both business and personal purposes, as needed. The employee may, at his or her own expense, add extra services or equipment features as desired. If there are problems with service, the employee is expected to work directly with their cellular provider to resolve them.
  - c. The City's Information Technology Department (ITD) will assist connecting the employee's cellular device to city provided services, including E-mail, and calendar.

- 10) Employees receiving a stipend for the use of their personal device for business must agree to:
  - a. Activate and maintain passcode or biometric security measures required for anyone to access your cellular device. Security requirements for your cellular device must NOT be removed for any reason.
  - b. If requested, install a mobile device management security-based application and/or client allowing the city to alter the passcode/password and/or completely erase the contents of the cellular device in the case where a personal device is lost, misplaced, and/or stolen. The city will only exercise these rights if there is a perceived need to protect city data and/or the security of the city network.
  - c. Have their phone numbers listed in departmental directories as needed so that they may be reached by the city during their workday, and may list this number on city business cards, where appropriate.
  - d. If requested, provide up to 12 months of cellular invoices showing details on voice calls and texting logs such as date, time, duration, incoming number, outgoing number, etc. This will only be requested if there is a need to collect information in an official investigation and/or to meet any legal obligations.
  - e. If requested, preserve the contents of their personal cellular device. Preservation requests can only come from City Administration, Human Resources, Information Technology, and/or your Department Director if there is a need to collect

information in an official investigation and/or to meet any legal obligations. Preservation means not deleting or erasing any call logs, text messages, E-mails, internet history, pictures, or other content on the cellular device.

- f. Report to their supervisor immediately if their cellular device is lost, stolen, or missing.

- 11) An employee receiving a cellular device stipend must, if requested by their supervisor, provide a copy of the monthly access plan charges and documentation confirming that they maintain a contract for the cellular device for business-related purposes.
- 12) If the employee terminates the wireless contract at any point, he/she must notify his/her supervisor within 5 business days to terminate the stipend.
- 13) The City does not accept liability for claims, charges, or disputes between the service provider and the employee. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and may result in disciplinary action up to and including termination.
- 14) Employees using their personal cellular devices are expected to delete all city data from the device when their employment with the city is severed, except when required to maintain that data in compliance with litigation hold notice or they have been officially requested by city officials to preserve the contents of their cellular device.

### **City-Owned Cellular Devices**

If an employee meets the eligibility requirements for a cellular device, as outlined above, AND the Department Director and/or department designee approves the issuance of a city-owned cellular device, then the department can contact the Information Technology Department (ITD) by phone or E-mail to request the issuance of a city-owned cellular device.

- 1) The City will issue a cellular device with the capabilities requested by the department necessary to meet the employee's job responsibilities.
- 2) All cellular devices, accessories, insurance, etc., will be purchased through ITD following the established city purchasing policies.
- 3) The city department requesting the cellular device will be financially responsible for its purchase, including all service plans, accessories, and activation fees
- 4) The city department requesting the cellular device will be responsible for the replacement and/or repair of any city-owned cellular device that is lost, stolen, damaged, and/or, for any reason, inoperable.
- 5) All requests for cellular device plan changes must be approved by the requesting department and sent to ITD.
- 6) Departments are responsible for reviewing bills and monitoring usage of all city-owned cellular devices.
- 7) City-owned cellular devices are to be exclusively used for city business except when an essential personal call of minimum duration cannot be made at another time or from a different phone. Examples of essential personal calls are to arrange for unscheduled or

immediate care of a dependent, a family emergency, or to alert others of an unexpected delay due to a change in work or travel schedule.

- 8) Employees issued a city-owned cellular device are expected to take care of the device and maintain it in working order. The employee needs to report to his/her supervisor and ITD if the device has been lost, stolen, damaged, and/or is no longer in working condition.
- 9) Employees shall NOT download or use any non-work-related applications on a city-owned cellular device. This includes, but is not limited to, games, adult content, movies, on-line radio, gambling, on-line entertainment/TV/Movies (such as Netflix, Hulu, Sling TV, etc.), podcasts, or any application not required for the execution of your duties.
- 10) Employees issued a city-owned cellular device are required to return the device to their supervisor when their employment with the City ends. Returned cellular devices will be sent to ITD to be repurposed at the direction of the department.
- 11) Except in situations where the right of privacy outweighs the public right to know or when the matter has been adjudicated by a court decision, employees using a city-issued cellular device do not have any rights to privacy in regards to the cellular device, its contents, and/or any use of this device including, but not limited to, phone records, text messages, E-mail, internet browser logs, social media, location tracking, application data/logs, etc.

### **Infrequent Cellular Device Use**

If an employee's job duties do not include the need for a cellular device and/or has not been approved a city-issued cellular device or stipend agreement, then

- 1) Such employees may request reimbursement for the actual extra expenses of business cellular device calls on their personal cellular device.
- 2) Reimbursement for per-minute "airtime" charges is limited to the total overage charge shown on the invoice; expenses for minutes included in the employees' personal plan will not be reimbursed.
- 3) Only the cost of voice minutes will be reimbursed; no cellular data service costs will be reimbursed.
- 4) The individual should make a personal payment to the provider and then should submit a request to their supervisor for reimbursement.
- 5) Reimbursement documentation should identify the business purpose. The City reserves the right to deny reimbursement if it determines there was no justifiable business need.
- 6) All approved reimbursements are the financial responsibility of the department for which the employee is employed.
- 7) The City will NOT require employees to respond to City calls on their personal cellular phones unless they are on-call/on standby or they are being compensated through a stipend agreement.

### **Cancellation of Service**

- 1) Any city-owned or stipend agreements will be immediately canceled if:
  - a. An employee issued a city-owned cellular device or is receiving a cellular device stipend terminates employment with the city.
  - b. The employee changes positions within the city which no longer requires the use of a cellular device for business reasons.

- c. There is misuse/misconduct with the phone.
- d. A decision by management (unrelated to employee misconduct) results in the need to end the program or a change in the employee's duties.

2) Any stipend agreement will be immediately canceled if the employee does not wish to retain the current cellular device contract for personal purposes.

## **Safety Considerations**

- 1) Wireless phones should only be used by an employee while driving if the employee is using the phone with a "hands-free" system. A wireless phone should be dialed by a driver only if the phone is equipped with a voice-activated dialing scheme. Otherwise, drivers on city business or using city vehicles should pull over to the side of the road, stop the car, and then operate the phone. This paragraph is not an endorsement of "hands-free" or voice-activated dialing, and employees shall exercise caution if they choose to utilize these technologies. Additionally, employees may be assuming liability if they choose to utilize these technologies.
- 2) Employees should exercise every caution whenever they are operating a city-owned or personal motor vehicle for business. Under no circumstances shall employees place themselves at risk to use a personal or city-issued cellular device to fulfill business needs.
- 3) Employees who are charged with traffic violations resulting from the use of a cellular device (city-issued or personal) while driving may be solely responsible for all liabilities that result from such actions.
- 4) It is recognized that public safety officials and uniformed officers receive advanced defensive driving training. The use of wireless phones and other electronic communications devices by public safety officials and uniformed officers may be dictated by the urgency of the situation, as long as such use is within the boundaries defined by their defensive driving training.

## **Acceptable Use of Cellular Devices**

- 1) Unless clearly stated, the policy definitions below, in addition to all policies included in the **"Information Technology Cybersecurity & Policy Manual,"** pertain directly to any use of a city-owned cellular device or the use of a personal cellular device while at work or while acting as a representative of the City of Billings.
- 2) The use of any city-authorized cellular device (city-owned or personal) must be supportive of organizational objectives and be consistent with the mission of the City of Billings.
- 3) All authorized cellular devices are to be used to assist in the completion of assigned tasks/duties or for safety purposes. Authorized cellular devices are not intended to be a personal convenience.
- 4) Cellular devices shall not be used to invade the privacy of an individual by using electronic means to ascertain information accept as authorized herein or as part of an internal Human Resources investigation or a legally constituted police investigation.
- 5) No e-mail or other electronic communication may be sent or distributed which hides the identity of the sender or represents the sender as someone else. All messages communicated shall contain the name of the sender.
- 6) Most wireless transmissions are not secure. Therefore, individuals using wireless services should review the city's **Personally Identifiable Information (PII) Policy** before sending or forwarding any information that may violate this policy.

7) Reasonable precautions should be made to prevent equipment theft and vandalism to city-issued cellular devices.

8) Prohibited:

- a. Use a city-owned cellular device for commercial profit or secondary employment.
- b. Any calls, messages, internet content, social media, and/or any form of communications that is of an obscene, threatening, demeaning, harassing, or otherwise offensive nature that is illegal, inappropriate, or in violation of any applicable city or departmental policy, are strictly prohibited.
- c. Any use of a cellular device to access websites containing adult content, gambling, gaming, offensive materials, illegal content, or otherwise inappropriate content is prohibited.
- d. Any use of a cellular device to send, forward, or distribute any e-mail, text, social media posting, chat messages, blog post, or any form of communication containing adult content, offensive materials, harassing tones, illegal content, political content, or is in violation of any applicable city or departmental policy, is prohibited.
- e. Encrypt data files, messages, or files in any manner other than approved by the ITD. If encryption is approved, a sealed hard copy of encryption keys shall be provided to ITD and stored in a secure location.
- f. Violate any software license agreement or copyrights, including copying or redistributing copyrighted computer software, data, or reports without documented authorization.
- g. Leverage “proxy” services to cover-up user origination. There are no exceptions to this on the City of Billings’ network.
- h. Access personal and/or 3<sup>rd</sup> party e-mail accounts from a city-owned cellular device unless required to do so for work purposes.

## **Security**

- 1) Unless clearly stated, the policy definitions below, in addition to all policies included in the **“Information Technology Cybersecurity & Policy Manual”**, pertain directly to any use of a city-owned cellular device or the use of a personal cellular device while at work or while acting as a representative of the City of Billings.
- 2) All cellular devices, city-owned or approved personal devices receiving a stipend, must protect their device with a passcode, password, passphrase, or you can use advanced biometrics security features (Examples: fingerprint or facial recognition).
- 3) All cellular devices, city-owned or approved personal devices receiving a stipend, will not store any City of Billings related sensitive data on your cellular device. This includes but is not limited to Personal Identifiable Information (PII), HR/personnel records, HIPPA records, etc. Reference the city’s **Personally Identifiable Information (PII) Policy** for more information concerning the handling of sensitive data.

## **Confidentiality & Privacy**

- 1) Any data created, sent, or received using the City computing and communications resources, regardless of what device is used to access the message, is and remains the property of the City of Billings.
- 2) In accordance with State law, all data that is composed, transmitted, or received via city information systems may and usually will be considered to be part of the official records of the city and, as such, may be subject to Montana Open Records Laws, which may result in

disclosure to law enforcement or other third parties without the consent of the sender or receiver. As a result, there is a limited expectation of personal privacy in the use of City computing resources, the internet, texting, e-Mail, or any forms of communication.

- 3) Certain types of data created and/or stored in the city's information systems and networks are protected from disclosure under Federal, State, local, or other law, including but not limited to personnel/payroll data, privileged communications between attorney and client, and confidential communications exempted from Montana Open Records Laws. Computer users are responsible for protecting the confidentiality of these types of data from intentional or accidental disclosure to unauthorized parties.

## CHANGE MANAGEMENT POLICY (IT 1A.170)

### The Policy

Change Management seeks to minimize the risk associated with changes to IT infrastructure, applications, systems, processes, and documentation. This includes ensuring that all changes are consistent with established cybersecurity controls and do not adversely affect the operational integrity of the City of Billings' IT services.

### Scope

This policy applies to all changes to the IT systems and infrastructure, whether planned or unplanned, across all departments within the City of Billings IT Department.

### Policy Details:

#### 1) Definition of Changes:

- a) Changes are defined as the addition, modification, or removal of anything that could affect IT services. This includes but is not limited to IT infrastructure, applications, systems, processes, documentation, and supplier interfaces.

#### 2) Categories of Changes:

- a) **Standard Changes:** Routine changes with low risk. Examples include software updates and minor configuration changes.
- b) **Emergency Changes:** Required to resolve urgent issues that affect service availability and security. Examples include actions taken to prevent system outages or address security vulnerabilities.
- c) **Significant Changes:** Changes that have a substantial impact on the infrastructure or operations. Examples include major system upgrades, network redesign, replacement of existing applications, or implementation of new technologies.

#### 3) Process for Standard and Significant Changes:

- a) Change requests must be submitted to the network and security team and/or IT Director for approval.
- b) Requests should include detailed documentation outlining the scope of change, areas affected, back-out process, testing completed, communication plan, and planned deployment date.
- c) Changes must be reviewed and approved before implementation.

#### 4) Handling Emergency Changes:

- a) Emergency changes may be implemented without the standard approval process to prevent imminent failure of IT services or address severe security risks.
- b) The change initiator must notify the IT director and the security engineer as soon as reasonably possible.

- c) A post-implementation review must be conducted to assess the impact of the change and to regularize the change in the IT environment.

**5) Documentation and Tracking:**

- a) All changes, regardless of category, must be documented and tracked in a change management log maintained by the IT department. This log will include details of the change, the person who implemented it, the approval received, and the outcomes.

**6) Review and Audit:**

- a) The IT department will regularly review and audit changes to ensure compliance with this policy. This includes a quarterly review of emergency changes to ensure they are being handled appropriately.

**7) Communication:**

- a) All changes must be communicated to affected stakeholders. The communication plan should detail the nature of the change, expected impacts, and any required actions by stakeholders.

**Compliance:**

All employees, contractors, and vendors must comply with the processes outlined in this policy. Non-compliance may result in disciplinary action, up to and including termination of employment or contracts.

## CLOUD SERVICES POLICY (IT 1A.180)

**The Policy**

Use of cloud computing services for work purposes must be formally reviewed and authorized by the IT Director. Cloud computing services are application or infrastructure resources that users access through the Internet.

**Scope**

This policy applies to all employees and departments of the City of Billings (no exceptions) and pertains to all external cloud services, such as cloud-based e-mail, document storage, Software-as-a-Service (SaaS), Infrastructure-as-a-Service (IaaS), and Platform-as-a-Service (PaaS) that provide services for activities involving the processing, exchange, storage, or management of City of Billings' data. This policy is an integral and supportive part of the overall City of Billings **Information Technology Cybersecurity & Policy Manual**.

**Approval of Cloud Services**

- 1) The IT Director will certify that security, privacy, and all other IT management requirements are adequately addressed by the cloud computing vendor.
- 2) Any cloud service that requires users to agree to terms of service, such as agreements before using service, must be approved by the IT Director and submitted through the city's contract routing for full approval.

**Roles and Responsibilities**

- 1) ITD must approve cloud solutions that connects to or integrates with the City's production network, including support, monitoring, and security enforcement.

- 2) Departments are responsible for decentralized vendor-managed or SaaS systems they procure and manage. This includes user administration, vendor communication, performance troubleshooting, and vendor compliance.
- 3) Departments must involve IT during procurement to ensure security and interoperability reviews are completed, even if IT will not be administering the application.

## **Use of Cloud Services**

- 1) Use of cloud services must comply with the City of Billings' policies outlined in the **Information Technology Cybersecurity & Policy Manual**.
- 2) Use of cloud services must comply with all laws and regulations governing the handling of personally identifiable information (PII), financial data, or other sensitive data owned or collected by the City of Billings.
- 3) Employees must not share individual log-in credentials for cloud services with other employees. The IT department will keep a confidential document containing account information of administrator accounts for business continuity purposes.
- 4) Personal cloud service accounts may not be used for the storage, manipulation, or exchange of City of Billings' communications or owned data.
- 5) The IT Director decides what data may or may not be stored in the Cloud.

## **Data used with Cloud Services**

- 1) Cloud services vendor selection will depend on the classification of information used with the cloud service provider:
  - a. Restricted Institutional Data – All data that is governed by privacy or information protection mandates required by law, regulation, contract, or binding agreement.
    - i. Can only use a cloud service provider who can guarantee all equipment and data stored or exchanged resides within the United States of America and who are certified by regulating authorities, such as HIPAA or CJIS. Cloud service providers must agree and adhere to strict contractual obligations with the City of Billings.
  - b. Confidential Institutional Data – Data that is meant for limited distribution available only to City of Billings' employees or on a need-to-know basis.
    - i. Can use a cloud service provider that adheres to appropriate City of Billings' IT Policies. Cloud service provider must agree and adhere to contractual obligations with the City of Billings.
  - c. Public Institutional Data – Data that is meant for public distribution.
    - i. Can use a cloud service provider approved by the IT Director. Cloud service providers do not need a formal contract with the City of Billings.

## **Safeguards for Restricted or Confidential Data**

- 1) All contracts and agreements for cloud services must be approved by the IT Director and must be routed through established contract routing for approval from Purchasing, Legal, and Administration.

- 2) IT and Departments utilizing cloud services will monitor changes to the cloud service's safeguards and report changes to the IT Director departments utilizing the cloud services.
- 3) The IT Department will periodically review cloud services for adherence to contractual obligations.
- 4) If a cloud service violates our IT Security and Cloud Service Policy, and/or it represents a cybersecurity threat, the IT reserves the right to discontinue cloud services with any provider at the end of the contractual agreement.
- 5) Cloud service providers must agree to a backup and disaster recovery plan, as well as a business continuity plan.
- 6) All cloud service contracts must include wording that requires the cloud services vendor to provide a full copy of all of the City of Billings' data when requested and at the end of any service contract. Data must be provided in a timely manner and on a mutually acceptable form of electronic media or file sharing platform.
- 7) Cloud service provider must agree to destroy digital data or hardware with City of Billings' data in accordance with laws regulating government entities for secure data destruction.

## **CYBER INCIDENT RESPONSE POLICY (IT 1A.200)**

### **The Policy**

The City of Billings will take steps to identify, contain, eradicate, and recover from incidents of compromise. Incidents of compromise are exposures of information systems including, but not limited to physical equipment, data, account information, or account credentials that can be used by unauthorized individuals.

### **Scope**

This policy applies to all employees, contractors, vendors, and other authorized individuals ("Users") of the City of Billings' systems devices, networks, services, and technologies used to access, store, process, or transmit city information or connect to the city network. This policy is an integral and supportive part of the overall City of Billings **Information Technology Cybersecurity & Policy Manual**.

### **Preparation for Incident Response**

All Information Technology Department (ITD) employees will receive and follow the ITD Cyber Incident Response Plan.

### **Identification of Incident**

- 1) All City of Billings' employees are required to notify ITD immediately if they suspect their systems, accounts, credentials, or accessible information has been or is about to be compromised.
- 2) Contractors, vendors, and other third-party entities with access to City of Billings' data and information systems are required to notify ITD if a compromise is suspected of city-owned devices or data.

- 3) ITD employees are required to notify their supervisor, the IT Security Engineer, and IT Director of any incident of compromise.

### **Containment of Incident**

- 1) ITD employees will instruct the employee on what steps to take using the ITD Incident Response Plan.
- 2) Compromised systems will be immediately removed or quarantined from accessing City of Billings' information systems until fully analyzed by ITD employees.
- 3) Virtualized systems will be cloned and powered offline or quarantined before restoring from a previous backup.
- 4) Compromised accounts will be disabled from accessing City of Billings' information systems.

### **Eradication of Incident**

- 1) ITD employees will save all event and necessary application logs from a compromised system for further analysis.
- 2) ITD will work with any regulating authorities and/or with contracted third-party entities to analyze the source and/or extent of the compromise.
- 3) ITD employees will collect any information as requested by the IT Security Engineer, regulating authorities, or contracted third-party entities involved in the incident.

### **Recovery of Incident**

- 1) Any device, including but not limited to, computers, tablets, phones, servers, or infrastructure equipment involved in an incident is required to be reset to factory settings before loading an image and configuring for return into the production environment.
- 2) Data involved in a compromise will be given to the Administration and/or Legal Department(s) for further action.
- 3) Accounts or credentials that have been compromised require an immediate password change. Accounts may be restricted from accessing information systems or data based on employee's access needs to perform their job duties.

### **Post-Incident**

- 1) A report detailing the incident including investigative steps, cause of the incident, the extent of compromise, associated costs of incident, and recommendations to prevent similar incidents will be written by the IT Security Engineer for review by the IT Director.
- 2) The IT Director may share the incident report at their discretion.

### **Violations**

- 1) Contractors, vendors, or other third-party entities who fail to adhere to this policy may face termination of contracts, loss of access privileges, or legal action as deemed necessary.
- 2) Employees, contractors, vendors, or third parties found to have intentionally compromised City of Billings' systems, data, or accounts may be subject to legal penalties and will be reported to the appropriate authorities.
- 3) Repeated or egregious violations of this policy may lead to additional consequences, including review by Administration, HR, or Legal Departments for further action

## **CYBERSECURITY AWARENESS TRAINING POLICY (IT 1A.220)**

### **The Policy**

The City of Billings requires all employees to successfully complete all assigned Cybersecurity Awareness Training to maintain access to any information systems.

### **Scope**

This policy applies to all employees of the City of Billings who use systems devices, networks, services, and technologies to access, store, process, or transmit city information or connect to the city network. It is an integral and supportive part of the overall City of Billings **Information Technology Cybersecurity & Policy Manual**.

### **Purpose**

This document establishes the City of Billings Cyber Security Awareness and Training Policy. The policy will help the City of Billings mitigate cyber security risks by training users and establishing ongoing communications with them about cyber security best practices.

### **Goals**

The goals of the Cyber Security Awareness and Training Standard include:

- 1) Improving user awareness of the need to protect technology, information, and systems.
- 2) Ensuring users clearly understand their responsibilities for protecting information and systems.
- 3) Ensure users are knowledgeable about the City of Billings Cyber Security policies, standards, guidelines, procedures and practices.
- 4) Developing user knowledge and skills so they can perform their jobs securely.
- 5) Ensuring that the City of Billings complies with federal, state, and local government regulations and other requirements.
- 6) Measure staff knowledge and awareness levels through IT-controlled security campaigns such as city-initiated E-mail Phishing, E-mail Spear Phishing, Telephone Vishing, or other tools. Internal controlled campaigns provide our organization with a safe and harmless way to gather valuable information on which individuals require additional training and what changes IT may need to make in our overall cybersecurity end-user training.
- 7) "Harden Our Environment" and "Narrow the Attack Surface". These are industry buzz-phrases used to encapsulate the goal of improving security throughout our organization. End-user education, increased awareness, and an ongoing proactive approach to security are the foundation for building a secure environment.

### **Requirements**

- 1) City of Billings' employees are required to complete annual and on-going monthly Cyber Security Awareness Training in the form of Computer-Based-Training (CBT) or instructor-lead workshops.

- 2) New City of Billings' employees that will use City electronic/computer resources are required to be enrolled in and begin Cyber Security Awareness Training in the form of Computer-Based-Training (CBT) or instructor-lead workshops within one (1) month of beginning employment.
- 3) City of Billings' employees will complete any additional Cyber Security Awareness Training required by any regulating authorities. Examples: Criminal Justice Information System (CJIS), National Crime Information Network (NCIC), Payment Card Industry (PCI), Health Insurance Portability and Accountability Act (HIPAA).

City of Billings' employees may be required to complete additional cybersecurity awareness training at any time and for any reason as requested by the Information Technology Department (ITD). For examples:

- a. End-users who fail a city-initiated e-mail phishing campaign will be required to take additional Cyber Security Training.
- b. End-users who fail to properly answer follow-up questions during their monthly cybersecurity training may be required to take additional training.

- 4) Awareness reinforcement and additional training may be provided through newsletters, posters, E-mail, city-sponsored phishing campaigns, webcasts, CBT, or workshops.
- 5) ITD will assist all departments and employees when needed for the completion of Cyber Security Awareness Training.

## **Compliance**

The Information Technology Department will restrict access to information systems of any user who fails to comply with the Cyber Security Awareness Training requirements until all requirements are met.

## **DISASTER RECOVERY POLICY (IT 1A.240)**

### **The Policy**

The City of Billings will develop internal procedures to follow when a disaster or emergency takes place. An emergency is defined as any event, internally or externally caused, that will impact information systems and interfere with the ability of most employees to perform their job duties. A disaster is defined as any event, internally or externally caused, that will impact high availability information systems or interfere with the ability of all employees to perform their job duties.

### **Scope**

This policy applies to all authorized users and all devices, networks, services, and technologies used to access, store, process, or transmit city information or connect to the city network. This policy is an integral and supportive part of the overall City of Billings **Information Technology Cybersecurity & Policy Manual**.

### **Backup of Data and Systems**

- 1) Servers containing critical data will be backed up at least daily on at least two different media storage and stored in at least two different locations. One backup storage media must be on physical media.
- 2) High availability server systems critical to public safety are required to have duplicated servers that contain exact data copies no older than one (1) hour which are stored in multiple locations. Virtualization technology may be used to create this environment.
- 3) Infrastructure systems that are necessary for the business continuity of the City of Billings will have a backup of configuration settings stored both digitally and on hard copy.
- 4) Systems containing critical functions for the business continuity of the City of Billings will be backed up at least once per day.
- 5) Backups will be verified for accuracy and completion at least once per week. Any backup that fails or has errors must be remediated within one (1) week.
- 6) Physical backup media must be disposed of in accordance with the Disposal or Loss of Information Technology Data and Equipment Policy.

### **Backup Power**

- 1) High availability and critical servers, network, and infrastructure equipment to maintain the continued operation of public safety is required to backup power options, including uninterruptable power supply (UPS) and access to generator power.
- 2) It is highly recommended that all equipment, including but not limited to, computers, cameras, and printers that are critical to the continued service of public safety applications should allow for operation from battery in cases of loss of power. Mobile devices, such as laptops and cameras, can utilize internal batteries, which should be kept adequately charged. Non-mobile devices, such as desktop computers and printers, should use a UPS or have access to generator power.
- 3) It is recommended that any information systems equipment that is necessary to the critical operations of the City of Billings is protected from loss of power by UPS or by access to generator power.

### **Emergency Response**

- 1) In the event of an emergency or disaster, the IT Director will be immediately notified of the nature of the event, the impact of the event, the remediation plan, and the estimated outage window.
- 2) IT Director or a designated IT team leader(s) will notify and update the Administration Department of emergencies or disasters as needed.
- 3) The IT Director or a designated IT team leader(s) will lead remediation efforts by assigning job duties to Information Technology employees and/or approve the use of contractors, vendors, or other third-party assistance as needed.

### **Contingency**

In the event the IT Director is unavailable during an emergency or disaster to lead response efforts, emergency response duties are outlined in the IT Incident Response Policy.

### **Area Emergency or Disaster**

In the event of an emergency or disaster that interrupts the service of information systems for the City of Billings and agencies from the surrounding area, the City of Billings' Information Technology Department will participate in and cooperate fully in efforts with local, state, and federal agencies to restore services.

### **Mass Media Management**

In the event of an emergency or disaster of Information Systems, the IT Director or designated IT team leader(s) and the City of Billings Administration Department are the sole contact with the media. All requests from the media will be forwarded to the IT Director or designated IT team leader(s) and/or the Administration Department.

## **DISPOSAL OF DATA AND EQUIPMENT POLICY (IT 1A.260)**

### **The Policy**

The City of Billings will dispose of information technology data and equipment securely conforming to all laws and policies from regulating authorities.

### **Scope**

This policy applies to all employees, contractors, vendors, and other authorized individuals ("Users") of the City of Billings' systems devices, networks, services, and technologies used to access, store, process, or transmit city information or connect to the city network. This policy is an integral and supportive part of the overall City of Billings **Information Technology Cybersecurity & Policy Manual**.

### **Disposal of Data Containing Confidential or Sensitive Data**

- 1) Hard copy storage media containing confidential or sensitive information, such as paper documents, will be shredded in a crosscut paper shredder disposal.
- 2) Electronic storage media utilizing magnetic media containing confidential or sensitive data, including but not limited to, IDE/SATA/SAS/SSD hard drives and tape backup media, will be wiped to a minimum of DoD 5220.22-M 7 standards before disposal. It is important to note that copiers have electronic storage media that must be cleaned prior to disposal.
- 3) Electronic storage media utilizing flash-memory technology containing confidential or sensitive data including, but not limited to, solid-state hard drives and USB flash drives will be physically destroyed before disposal.
- 4) Optical media containing confidential or sensitive data including, but not limited to, CDs and DVDs will be destroyed and/or rendered useless before disposal.
- 5) Any hard copy, electronic storage media, or optical media containing confidential or sensitive data that is lost or stolen must be immediately reported to the Information Technology Department (ITD).

**Examples of Confidential or Sensitive Data are:**

- 1) Personally Identifiable Information (PII) Examples include social security number, driver's license number, birth date, birthplace, passport number, credit card numbers, Email address, fingerprints, and home address.
- 2) Health Insurance Portability and Accountability Act (HIPAA). This includes any and/or all individual's health records.
- 3) Employee personnel records, including PII, payroll data, job performance records, disciplinary documents, health records, beneficiaries, emergency contact information, spouse information, etc.
- 4) Criminal records such as case information/history, arrest records, citations, warrants, all CJIN classified data, etc.
- 5) Court records, including case information, history, dispositions, etc.
- 6) Billing information, including account numbers, charges, payments, credit bureau/collections, account history, etc.
- 7) Emergency call transcripts, call records, recordings, etc.

**Disposal of Security Access Media and Equipment**

- 1) Any media or equipment that is utilized in multifactor authentication or which allows physical access to a building, including but not limited to, tokens, smart cards, proximity cards, or key access cards, must be deactivated in software utilizing the technology and then physically destroyed.
- 2) Any media or equipment that is utilized in multifactor authentication or that allows physical access to a building if lost or stolen must be immediately reported to ITD.

**Disposal of Electronic Equipment**

- 1) All electronic equipment should be coordinated with or completed by ITD.
- 2) ITD will take steps to help you sanitize equipment in accordance with this policy and recycle electronic equipment with local electronic equipment recycling centers.
- 3) Any electronic equipment that is lost or stolen should be reported to ITD.

**E-MAIL POLICY (IT 1A.280)**

**The Policy**

The City's E-mail system is to be used by authorized City employees, elected officials, interns, consultants, and volunteers to conduct efficient, secure, and professional City business communications. No other persons may use the City's E-mail system.

**Scope**

This policy applies to all authorized and authenticated users of the City of Billings Electronic Mail System (E-mail). This policy is an integral and supportive part of the overall City of Billings **Information Technology Cybersecurity & Policy Manual**.

### **Purpose**

As a business tool, Electronic mail or “E-mail” offers tremendous opportunities for enhanced productivity and cost savings in the operations of the City. However, it also provides the potential for misuse, abuse, and security threats. Productive use of E-mail, like any other form of communication, requires an understanding of common principles of style and etiquette, fair and responsible use, security awareness, and consideration of the rights and needs of others.

Appropriate use of the City’s E-mail systems should be the concern of every authorized user. It is the responsibility of any City employee, elected official, consultant, intern, or volunteer utilizing the City’s E-mail system to read and abide by the contents of the City’s **E-mail Policy**, the **Acceptable Use Policy**, and all of the policies contained within the **Information Technology Cybersecurity & Policy Manual**.

This policy is designed to educate all employees, elected officials, interns, and volunteers of the City of Billings regarding the issues and practices of effective, safe, and secure use of E-mail; define the City’s policy on the use and retention of E-mail; help authorized users use E-mail properly, consistently and effectively; reduce risk of loss, corruption, mismanagement and unauthorized access to E-mail messages; promote security awareness, and increase the quality of the City’s E-mail records.

All new users of the E-mail system will be given a copy of this policy prior to setup of their mailbox and are required to read the policy. Each existing user of the City E-mail system will be given a copy of this policy upon approval of the policy and will be expected to read and comply with the policy.

Users of the City of Billings’ E-mail system must comply with the rules, regulations, and guidelines outlined in this policy, the **Acceptable Use Policy**, and all other policies outlined in the **Information Technology Cybersecurity & Policy Manual**.

### **E-mail Content: Rules & Guidelines**

- 1) Before selecting E-mail as a means for communication or document transmission, users should consider the need for immediacy, formality, accountability, access, security, and permanence. E-mail differs from other forms of communication. It is immediate and informal, like a telephone conversation, yet more permanent than a telephone conversation. It is irrevocable, like a hard copy document, yet easy to duplicate, alter, and distribute.
- 2) City users must use careful deliberation in choosing the content and recipient(s) of all E-mail messages.
  - a. Any E-mail you send will qualify as a Public Record and be available for review by supervisors, administration, City Council, co-workers, media outlets, and/or any citizen. A good rule of thumb regarding the content of E-mail messages is “not to put anything in an E-mail message that you would not want posted on a bulletin board, reported in the news, or read by your grandmother.”

- b. Confidential or Sensitive Information: E-mail is not secure, and users should follow the rules outlined in the **Acceptable Use** and **Personally Identifying Information (PII) Policies** when considering sending any E-mail that may contain sensitive and/or confidential messages over the E-mail system.
- c. E-mail should be accurate, courteous, and sent only to select recipients with a need to know. When an E-mail message leaves the sender, they relinquish control over it and the recipient is able to do with it what they wish.

3) City employees must be cognizant of the false sense of privacy and confidentiality suggested by E-mail technology. In fact, more than other communications media, E-mail facilitates the forwarding, copying, and manipulation of messages beyond the creator's control. Messages could also be delivered to the wrong address. Proper discretion is therefore advised when selecting e-mail content and recipient(s).

4) E-mail messages originating from City offices must use a professional tone and adhere to an appropriate format, which includes proper grammar, appropriate subject line, and identification of recipient(s). E-mail is closer in nature to a letter, lacking both visual and auditory content of face-to-face communication. Great care should be taken to "craft" the tone of the E-mail message and to provide the recipient with the information needed to appropriately interpret the emotional nature of the contents.

5) Fraudulent Material, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful and inappropriate may not be sent by E-mail or displayed or stored on City computers. Users encountering or receiving this kind of material should immediately report the incident to their supervisor, Human Resources, and/or Information Technology.

6) When using E-mail, City users must be careful to avoid copyright violations. Infringement on copyright may occur, for instance, by copying the text of an article in the message (without authorization) or sending an attachment that has been downloaded from the Internet. E-mail itself is subject to copyright, and copying or forwarding a message may constitute copyright infringement.

7) Creating E-mail so it appears to be from someone else is strictly prohibited and in violation of the city's "**Identity Management Policy**".

8) Obtaining access to the files or communications of others is prohibited unless expressly authorized to do so. An exception is the ITD staff who administer the E-mail system, providing answers to support questions and fulfilling Public Records Requests. Attempting unauthorized access to any portion of the E-mail service or attempting to intercept any electronic communication without proper authorization is prohibited.

9) E-mail may not be used to represent, give opinions, or otherwise make statements on behalf of the City unless the sender is authorized by the City to do so.

10) E-mail may not be used to transmit unsolicited material such as repetitive mass mailings or chain messages.

11) E-mail is not to be used "in lieu" of contracts or formal agreements because of the ease of alterations or misrepresentation.

12) When sending E-mail, Users shall take all reasonable steps to confirm the accuracy of all E-mail addresses. If a User discovers an E-mail was sent in error, the recipient is to be contacted and requested to delete the E-mail message immediately. Users shall consider adding the following confidentiality statement below the signature block of every E-mail:

*"This E-mail transmission from the City of Billings, and any documents, files, or previous E-mail messages attached to it, are intended solely for the individual(s) to whom it is addressed and may contain information that is confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any unauthorized review, forwarding, printing, copying, distribution, or use of this transmission or the information it contains is strictly prohibited. A misdirected transmission does not constitute waiver of any applicable privilege. If you received this transmission in error, please immediately notify the sender and delete the original transmission and its attachments. Thank you."*

**NOTE:** Additional General E-Mail Etiquette Guidelines are attached at the end of this policy as Appendix "A".

### **E-Mail Security**

Individual users are responsible for protecting their E-mail system and the messages contained therein from unauthorized users. Authorized users shall be familiar with the **Information Technology Cybersecurity & Policy Manual** and all its policies, including the **Acceptable Use, Anti-Virus, Cybersecurity Awareness Training, Identify Management, and Password Policy**.

- 1) All authorized users of the City's E-mail system must complete security awareness training in accordance with the **Cybersecurity Awareness Training Policy**. Educating and informing staff of the growing security threats from incoming, unwanted E-mail sources is critical to keeping our environment safe.
- 2) Computers or any electronic device with access to city E-mail (laptops, tablets, cellular devices, home computers, etc.) should not be left unattended in a state that allows unauthorized access to E-mail records or compromises security of the City's E-mail system.
- 3) E-mail users must be cautious of any attachments or links sent in an E-mail message received from an outside source, especially those that are unsolicited or from an untrusted source. Be especially suspicious of any E-mail that offers a financial benefit, free items, indicates fraud or a problem with one of your accounts, threatens legal action, or contains anything that instills an immediate feeling of urgency to respond. If in doubt, forward suspicious E-mails to the Information Technology Department for analysis. DO NOT click on any links, open any attachments, or respond to the sender until ITD has indicated it is safe to do so.
- 4) Staff should never select to "Unsubscribe" to any E-mail sent from a source that the employee does not remember specifically subscribing to. This can be an invitation to future/continue unwanted and dangerous E-mails.
- 5) By default, E-mail is not a secure method of communication. Employees shall follow the rules outlined in the **Acceptable Use** and **Personally Identifying Information (PII) Policies** when considering sending any E-mail that may contain sensitive and/or confidential messages over the E-mail system. For your immediate reference, PII is

defined as any information about an individual maintained by the city that can be used to distinguish or trace an individual's identity, such as social security number, date and place of birth, mother's maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, criminal, court, and employment information.

### **Monitoring E-mail Use**

The City of Billings reserves the right to monitor employee use of E-mail by systems administrators or departmental supervisors. Employees are reminded that E-mail use is provided for business purposes and is not for personal use. Employees cannot expect any privacy or protection from their personal or business-related E-mail correspondence under privacy laws and regulations.

The City will not monitor E-mail messages as a routine matter. However, the City will respond to legal process and fulfill its obligations to third parties. In addition, the City will inspect the contents of E-mail messages in the course of an internal departmental investigation triggered by indications of impropriety or as necessary to locate substantive information that is not more readily available by other means.

### **Personal Use of City E-Mail**

The City's E-mail system exists primarily to accomplish the work of the City and is not to be used for personal communications.

Authorized E-mail users are reminded that ALL E-mail messages are the property of the City if it resides on the City's E-mail systems including, but not limited to, the E-mail equipment, messages sent, received, or created using E-mail, belong to the City of Billings. E-mail messages are not the personal property of city users, and unless recognized legal exceptions are applicable, users may not claim privacy protection for their communications, including those of a personal nature.

Authorized users are not permitted to use their City E-mail to sign up to receive non-business-related personal notifications E-mails. Examples: personal bank account alerts, business sale flyer/alerts, personal travel/rewards programs, non-business-related service organization activities, hobby/personal interests, newsletters, etc.

The city reserves the right to deny an employee's use of the E-Mail system without further explanation.

### **Use of Personal/3<sup>rd</sup> Party E-Mail**

City staff are not allowed to access Personal Webmail/3<sup>rd</sup> Party E-mail while using city computers, servers, laptops, tablets, or smartphones connected to the internal city network. Information concerning exceptions and guidelines are provided below.

Examples of Personal Webmail/3<sup>rd</sup> Party E-mail are Gmail, Yahoo Mail, Hotmail, Ymail, MSN mail, ProtonMail, Zandex Mail, Zoho Mail, Juno, AOL, etc.

### **What if City Staff requires access to 3<sup>rd</sup> Party E-mail?**

#### **1) General Access:**

- a. With supervisor approval, staff can access their personal E-mail during work time via their personal smart phone either through their wireless cellular carrier and/or if they are connected to the City's outside wireless guest network.
- b. Any staff member using a city computer to access outside E-mail on the wireless guest network should ensure the computer has updated anti-virus software installed.
- c. Traffic on our wireless guest network is totally secured away from our internal city network. The wireless guest network access to the internet is provided over a separate service provider and, therefore, does not pose a direct threat to our internal city network. If an infected device connects to our wireless guest network, it cannot impact other devices on the wireless guest network or our internal city network (unless the device is connected to both our city network and the wireless guest network: DO NOT connect a laptop or tablet to both our city network and wireless guest network at the same time!)

2) **Work-Related Needs:** If you have a work-related need for authorized staff to access 3<sup>rd</sup> Party E-mail: Please have your Department Director contact the IT Director to review the request and arrange for an approved exception.

Staff should not use Personal/3<sup>rd</sup> Party E-mail to send or receive any E-mails pertaining to official City of Billings' business. All business-related E-mails should be sent using the City's E-mail system.

3) **Incoming or Outgoing E-mail to 3<sup>rd</sup> Party Email Accounts:**

- a. Staff will still be able to send E-mail "To" or receive E-mail "From" 3<sup>rd</sup> Party E-mail accounts using their City E-mail account.
- b. All incoming E-mail messages from outside the city will be filtered to reduce the amount of spam you receive and to block any E-mails that are determined to have possibly infected attachments or dangerous links. Remember to remain cautious and alert when working with any E-mail message from outside the city.

#### **Public Records**

E-mail will be a public record if it meets the definition of Title 2, Chapter 6: Public Records of the Montana Code Annotated (MCA 2-6-1002(13)). As a public record, E-mail must be identified, managed, retained, and made publicly accessible like public records in other physical formats.

For more information and complete Records Retention Details, Rules, and Regulations, please refer to the City of Billings adopted Records Retention Schedules: **Municipal General Records Retention Schedule 1** and **Municipal Schedule 8 Retention Schedule**. The complete rules, regulations, schedules, and policies pertaining to the City of Billings Records Retention Policies are available through the City Clerk's Office. Refer to the City of Billings Capstone Policy (Administrative Order # 153).

#### **Public Records Request**

Access to public records created or received using E-mail is subject to the public records regulations of the State of Montana Public Records (MCA 2-6-110). Access may be obtained through the City of Billings' procedures for requesting official records.

Official Public Records Requests must be processed through the City Clerk's office. Staff receiving a request from an outside entity should direct the requestor to the City Clerk or to the City Website to complete an official Public Records Request. Requestors should be encouraged to be specific and provide details when completing the request.

## **Retention**

Refer to the City of Billings Capstone Policy (Administrative Order # 153)

## **Completion of Employment**

Upon completion of employment, the departing E-mail user's supervisor may request a review of the contents of the user's mailbox to ensure the continuance of city business. At the exit of a city employee, a memo to remove the employee from the E-mail system will be sent by the employee's supervisor to ITD. Such a memo should include the date & time to suspend the E-mail account, directions on whether incoming E-mails to the employee should be forwarded to a supervisor, and a timeline for how long the employee's E-mails should be stored in the city E-mail server.

Note: All incoming and outgoing E-mails are automatically preserved in the city's E-mail Compliance Vault and are available to meet Public Records Requests even if individual E-mails have been deleted and/or the employee's entire E-mail account has been deleted.

## **Violations**

Violations of this policy may result in disciplinary review/action up to and including termination of employment. In the event a user is notified of an investigation, no files may be altered or destroyed.

## **ENCRYPTION POLICY (IT 1A.290)**

### **The Policy**

The purpose of this policy is to establish guidelines for the use of encryption to protect sensitive data, including personal information, financial records, and confidential communication, on mobile devices, servers, laptops, and desktops within the enterprise. Encryption ensures that data remains confidential and secure, even in the event of device loss, theft, or unauthorized access, thereby minimizing the risk of data breaches and safeguarding organizational integrity.

### **Scope**

This policy applies to all employees, contractors, and any other individuals or entities using or managing enterprise-owned mobile devices, servers, laptops, and desktops.

### **Policy Statements**

- 1) All sensitive data, whether at rest or in transit, must be encrypted using industry-standard encryption algorithms (e.g., AES-256). Encryption keys must be managed securely, with access restricted to authorized personnel only. The use of proprietary or non-standard encryption methods is prohibited unless approved by the IT security team.
- 2) All mobile devices (smartphones, tablets, etc.) that access or store enterprise data must use full-device encryption. Mobile devices must be configured to encrypt data at rest by default. Communication between mobile devices and enterprise systems must use secure, encrypted channels (e.g., VPNs, TLS/SSL). Mobile device management (MDM) solutions must be deployed to enforce encryption policies and manage encryption keys.
- 3) All enterprise laptops and desktops must use full-disk encryption (FDE). Devices must be configured to encrypt data at rest (data not actively being transmitted or processed) by

default. Removable storage devices (e.g., USB drives) connected to enterprise laptops and desktops must also be encrypted. Users must not disable or tamper with encryption settings on their laptops or desktops.

- 4) All servers storing or processing sensitive data must use encryption for data at rest and in transit. Database encryption must be implemented to protect sensitive information stored in enterprise databases. Encryption must be applied to backup data, whether stored on-site or off-site. Secure communication protocols (e.g., HTTPS, FTPS) must be used for all data transmissions to and from servers.
- 5) Emails containing sensitive information must be encrypted using S/MIME or PGP encryption. Instant messaging and other communication tools must use end-to-end encryption to protect the confidentiality of transmitted data.
- 6) Encryption keys must be generated, stored, and managed using secure key management systems (KMS). Access to encryption keys must be restricted to authorized personnel only, and keys must be rotated periodically. Procedures must be in place to revoke and replace keys if they are compromised.
- 7) In the event of a security breach, immediate steps must be taken to assess the scope of the breach and mitigate any potential damage. Compromised encryption keys must be revoked, and new keys generated. Affected data must be re-encrypted with new keys if necessary.
- 8) Regular audits must be conducted by ITD Management, network and security teams to ensure compliance with this encryption policy. Compliance with relevant regulations and standards (e.g., GDPR, HIPAA) must be maintained. Non-compliance with this policy may result in disciplinary action, up to and including termination of employment.

## **IDENTITY MANAGEMENT POLICY (IT 1A.300)**

### **The Policy**

The City of Billings is committed to ensuring the integrity and security of identity and access management processes. All identity and access management activities, including user authentication, authorization, account provisioning, and de-provisioning, must be logged and auditable. These logs must be retained in accordance with City policies and regulatory requirements to facilitate security monitoring, incident response, and compliance auditing.

All access to City of Billings' systems must be authorized and based upon individual identification and authentication.

### **Scope**

This policy applies to all authorized users and all devices, networks, services, and technologies used to access, store, process, or transmit city information or connect to the city network. This policy is an integral and supportive part of the overall City of Billings **Information Technology Cybersecurity & Policy Manual**.

### **Departmental Responsibility**

- 1) Each department is responsible for providing the Information Technology Department (ITD) with all the information necessary to manage their user identities. This includes identity

validation and ongoing requests for authentication, authorization, and provisioning/de-provisioning of the user's system authority.

- 2) Management approval is required before a user is authorized to use any city computing resources.
- 3) Users who are not city employees but who are in a current contractual relationship with the city may have access to city computing resources if their sponsoring department and ITD approve access.

## **Identity Life Cycle**

- 1) Users must be positively and individually identified and validated prior to being permitted access to any city computing resource.
- 2) Users will be authenticated at a level commensurate to the sensitivity of the information being accessed.
- 3) Access permissions must be defined in accordance with a user's actual functional work requirements.

Departments will provide ITD with requests to create and/or de-provision user accounts in a timely manner.

## **Password Controls**

The password settings of user accounts must comply with the **Password Policy**, which is a part of the overall **Information Technology Cybersecurity & Policy Manual**.

### **PASSWORD POLICY (IT 1A.320)**

#### **The Policy**

All passwords, passphrases, and Personal Identification Numbers (PINs) used to protect City of Billings' systems shall be appropriately configured and changed on a periodic basis.

#### **Scope**

This policy applies to all authorized users and all devices, networks, services, and technologies used to access, store, process or transmit city information or connect to the city network. This policy is an integral and supportive part of the overall City of Billings **Information Technology Cybersecurity & Policy Manual**.

#### **Password/PIN Usage and Confidentiality**

- 1) Individual users must properly protect passwords, passphrases, and/or PINs for all accounts. For this policy, the term "Password" will pertain to passwords, passphrases, and PINs unless specifically referenced in the policy.
- 2) All passwords must be classified and handled as City of Billings' Confidential data.
- 3) Passwords unique to an individual must not be shared with other individuals or users.

- 4) Employees may not copy passwords belonging to others and may not distribute or make their password or another person's password or access code available to others.
- 5) Employees may not attempt or assist others in attempting to discover another's password or evade other security provisions.
- 6) Employees may not disclose or make available their password to any third parties without the prior consent of their supervisor.
- 7) Passwords should not be displayed on the screen at any time.
- 8) Writing down passwords is strongly discouraged. Passwords that are written should be appropriately stored to prevent disclosure to anyone other than the authorized user. Passwords that are written should not reference the account or data store they protect.
- 9) Passwords must be changed whenever there is any indication of system or password compromise.
- 10) Passwords should never be embedded in sign-on utilities. For example, an unauthorized user must never be able to authenticate at sign-on merely by using a function key or by running an available program.
- 11) Passwords should not be hard coded in source code, command files, initialization files, scripts, or installation kits.
- 12) PINs should only be used where a numeric method for authentication is required (e.g., for entry on a telephone keypad); in all other instances, passwords or passphrases should be used for authentication.
- 13) Administrative passwords should be adequately protected and restricted only to required individuals for system support.
- 14) All hardware & software manufacturer default Administration and/or Management passwords must be changed before or immediately after any device is connected to the City of Billings' network.
- 15) Users must keep their voicemail passwords confidential. However, exceptions are allowed in the following situations:
  - a) Shared phone lines: When multiple users need access to the same voicemail.
  - b) Supervisor access: If a supervisor requests access for specific business operations.
  - c) Temporary coverage: If another employee is covering the user's phone for a limited period.

In cases of temporary coverage, the voicemail password must be changed once the coverage period ends.

- 16) Screen lock should be activated within fifteen (15) minutes or less of unattended inactivity.
- 17) Employees may not use any software or tools that contain functionality to discover or "crack" passwords under any circumstances. Only IT Department employees authorized by the IT Director may use these tools.

### **Password Length (excludes PINs)**

Passwords must have a minimum length of fourteen (14) characters.

### **Password Complexity (excludes PINs)**

- 1) Passwords must be constructed using three (3) of the four (4) classes defined below:
  - a. **Class Description Examples**
    - i. Upper Case Letters A B C ... Z
    - ii. Lower Case a b c ... z
    - iii. Numerals 0 1 2 ... 9
    - o Non-alphanumeric ("special characters", punctuation, symbols) { } [ ] , . < > ; : ' " ? / | I am running a few minutes late; my previous meeting is running over. ` ~ ! @ # \$ % ^ & \* ( ) \_ - + =
  - 2) Passwords should not be derived from commonly used words or phrases.
  - 3) Users should not select passwords consisting of easily guessed words, such as words found in dictionaries (English and non-English), User IDs, proper names or other names or words readily associated with the individual user, such as dates, nicknames and family names.
  - 4) Users should not select passwords that contain personally identifiable numbers, such as the user's telephone extension, Social Security Number, or zip code.

### **Password/PIN Expiration**

- 1) Passwords must be changed at least every 365 days unless an exception is authorized by the Information Technology Department.
- 2) Temporary or initial passwords must be set to expire after initial use. The user must be required to change the password at the first use.
- 3) Administrative passwords must be changed every ninety (90) days or when an individual who has knowledge of the password leaves their job function.
- 4) Administrative passwords shall not be shared with employees outside of the Information Technology Department for any reason unless authorized by the IT Director.

### **Disabling of Accounts**

All Active Directory accounts that provide access to sensitive, private, or confidential Information shall be automatically disabled after five (5) sequential invalid login attempts within a fifteen (15)

minute period. After being disabled, the account must remain locked out for a minimum of fifteen (15) minutes.

### **Default Passwords/PINs**

Any default password must be changed during or immediately upon the completion of the installation process. The new password must conform to the requirements defined in this policy.

Note: Default accounts should be renamed, if possible, to non-obvious names.

### **Password/PIN Changes**

- 1) Proper proof of identification shall be provided before changing a password, passphrase, or PIN.
- 2) Users changing a password via a system command or screen must prove knowledge of the current password or be cryptographically authenticated before being allowed to change it.
- 3) Users requesting a new password or requesting a password change/reset via a help desk or administrator must prove their identity before the change is initiated.
- 4) User-chosen passwords may not be reused for twenty-four (24) iterations.
- 5) User-chosen password cannot be changed more than once in a 24-hour period.

### **Password/PIN Delivery**

- 1) Delivery of passwords to a user, either when an account is created or when an administrator resets a password, requires attention to ensure that delivery is done efficiently and with regard to security. Passwords shall not be transmitted over any City of Billings' voice, video, or data network without appropriate identification and authentication.
- 2) A password shall be delivered in a manner that requires the recipient to prove his/her identity before the password is received.

### **Multi Factor Authentication**

- 1) Some systems will require dual factor authentication to authorize access. This will require staff to use a token (key fob, SMS notification, push notification, etc.) or biometrics (fingerprint, facial scan, retina scan, etc.) in addition to a password to authenticate access to information technology systems.
- 2) Tokens will be unique and individually assigned to a specific staff member.

Authorized staff will not share their token with other individuals/users.

## **PERSONALLY IDENTIFIABLE INFORMATION (PII) POLICY (1A.340)**

### **The Policy**

The City of Billings and its employees will make every effort to protect the confidential and Personally Identifiable Information (PII) of all individuals whose data is retained on City of Billings' information systems to ensure compliance with all regulating authorities.

## **Scope**

This policy applies to all employees, contractors, vendors, and other authorized individuals (“Users”) of the City of Billings’ information systems devices, networks, services, and technologies used to access, store, process, or transmit city information or connect to the city network. This policy is an integral and supportive part of the overall City of Billings’ **Information Technology Cybersecurity & Policy Manual**.

## **Personally Identifiable Information (PII)**

- 1) Personally identifiable information (PII) is any information about an individual maintained by the City of Billings that includes, but is not limited to:
  - a. Any information that can be used to distinguish or trace an individual’s identity, such as name, social security number, driver’s license number, date and place of birth, mother’s maiden name, or biometric records.
  - b. Any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.
- 2) The City of Billings will minimize the use, collection, and retention of PII to what is strictly necessary to accomplish business activities.
- 3) Departments are required to notify the IT Director of any PII that is collected, modified, stored, or destroyed.
- 4) The City of Billings will not sell or disclose PII to outside agencies or third parties for the purpose of marketing or profitable gain of the third party. The City of Billings may share PII with outside agencies or third parties for interoperability or by use of third parties to provide support for information technology systems used by the City of Billings.
- 5) The City of Billings will use appropriate safeguards for PII based on confidentiality impact level.
- 6) Best practice is to destroy all physical and digital records containing PII when no longer needed or when no longer required by regulating authorities. Information should be securely destroyed in accordance with the Disposal or Loss of Data and Equipment Policy.

## **Accessing and Sharing Personally Identifiable Information**

- 1) Personally identifiable information (PII) is accessible to individual employees based on their authorization to access the information as it directly pertains to their job duties. An employee accessing PII they are not authorized to access may be subject to disciplinary action.
- 2) Sharing of PII to outside agencies or third parties is only allowed for individuals with the authority to share the information. An employee who shares PII without authorization may be subject to disciplinary action.
- 3) High confidentiality information will only be accessed on systems that can uniquely identify the authorized individual accessing the information, either by individual login to the software system or by use of multifactor authentication when deemed necessary by law or regulating authorities.

- 4) An employee attempting to bypass restricted access to information by utilizing another authorized individual's account information or by disabling or tampering with security measures intended to limit access to the information may be subject to disciplinary action.
- 5) Paper documents containing PII shall be physically secured in a locked location when not being accessed.

## **Compliance**

Disciplinary action for violating this policy may include, but is not limited to, the removal of authorization to access any Personally Identifiable Information (PII) and up to and including termination of employment with the City of Billings.

## **PRINTER POLICY (1A.350)**

### **The Policy**

The purpose of this policy is to establish guidelines for the procurement, use, and management of printers within the enterprise system to ensure security, efficiency, cost control, and compliance with the City's Managed Print Services approach. This policy supports AO 161 by enforcing centralized print management, restricting unauthorized devices, and standardizing procurement and maintenance procedures.

### **Scope**

This policy applies to all employees, contractors, and any other individuals or entities using the City's printing resources.

### **Policy Statements**

#### **Printer Procurement & Deployment**

- 1) All printer purchases must be authorized by Purchasing and IT and adhere to the business needs assessment process established in AO 161.
- 2) The City will procure and deploy networked shared workgroup printers to replace unnecessary desktop printers.
- 3) Inkjet and deskjet printers are strictly prohibited within City offices. Any existing non-compliant devices must be phased out in accordance with AO 161.

#### **Network Printing Requirement**

- 1) All printing activities must be conducted using City-managed, networked printers.
- 2) Personal desktop printers are prohibited unless explicitly approved as an exception by IT and Purchasing.

#### **Wireless & USB Printing Ban**

- 1) Wireless printing is strictly prohibited. All printers must be connected to the City's network via wired connections to prevent unauthorized access and security breaches.

- 2) USB-connected printers are banned, except for special-purpose devices such as receipt printers, check printers, or other IT-approved proprietary printers.
- 3) Sharing of USB-connected printers is prohibited.

## **Printer Access & Security**

- 1) Printer access will be controlled and monitored to ensure that only authorized users can print documents.
- 2) Secure print release mechanisms will be implemented where applicable. Users must authenticate at the printer before documents are released, preventing sensitive documents from being left unattended.
- 3) All print jobs will be logged and audited, and non-compliant devices may be removed from the City's network in accordance with AO 161.

## **Print Management & Cost Efficiency**

- 1) All network-based printers must be enrolled in a City approved managed print services program.
- 2) The default device settings (duplex printing, color restrictions, power-saving modes, etc.) will be configured by IT and must remain unchanged unless approved by IT and Purchasing.
- 3) A business needs assessment must be conducted before any department can request a new or replacement printer.

## **Compliance & Enforcement**

- 1) The IT Department, in coordination with Purchasing, will monitor all network printers using a reseller-hosted print management system.
- 2) Devices that do not comply with these procedures will be removed from the City's network until they are brought into compliance.
- 3) Violations of this policy may result in disciplinary action in accordance with AO 161.

## **REMOTE ACCESS POLICY (IT 1A.360)**

### **The Policy**

This policy establishes the requirements for remote access to the City of Billings' computing resources for employees, contractors, and vendors. The goal is to ensure secure remote access, protect sensitive city data, and maintain compliance with security standards.

### **Scope**

This policy applies to all City of Billings employees, contractors, vendors, and third-party service providers who require remote access to city systems and networks.

### **General Remote Access Requirements**

- 1) Remote access must be explicitly approved by IT management and granted based on business necessity.

- 2) Access is only permitted through city-issued and managed devices. Personal devices are strictly prohibited from accessing the City of Billings' network.
- 3) The City reserves the right to monitor, audit, and revoke remote access privileges at any time.

### **Authentication & Security Controls**

- 1) Users must authenticate using unique credentials, including strong passwords and multi-factor authentication.
- 2) All remote access connections must be encrypted using industry-standard security protocols.
- 3) City-issued devices must comply with security policies, including up-to-date antivirus software, firewalls, and security patches.
- 4) Remote access to the network is logged and monitored to detect unauthorized activity.

### **Vendor Remote Access**

- 1) Vendors requiring access to City of Billings' systems must sign a remote access agreement before being granted access.
- 2) Vendor access is restricted to only the systems and data required to perform contracted work.
- 3) Vendor connections must be logged and monitored, and all sessions will be subject to audit.
- 4) Vendors are only allowed to connect using city-approved remote access solutions.
- 5) Vendor accounts will be disabled after project completion or when no longer needed.

### **Acceptable Use & Restrictions**

- 1) Users must follow the Acceptable Use Policy while remotely accessing city systems.
- 2) Unauthorized copying, storage, or transmission of city data is strictly prohibited.
- 3) City data must not be stored, accessed, or transmitted on personal devices.
- 4) Remote access is to be used only for business purposes—personal use is not allowed.

### **Enforcement & Compliance**

- 1) Violations of this policy may result in disciplinary action, termination of access, and/or legal action.
- 2) All users must immediately report any security incidents or suspected unauthorized access to IT Security.

- 3) All City of Billings owned software, equipment, media, and access control devices shall be returned upon the conclusion of a user's employment or contract.

## **SOCIAL MEDIA POLICY (IT 1A.380)**

### **The Policy**

This policy applies to all social media accounts used by departments within the City of Billings. This policy establishes citywide social media use policies, protocols and procedures intended to mitigate associated risks from use of this technology where possible. This policy applies to all City of Billings employees and approved interns, consultants, service providers and contractors performing business on behalf of a City agency/department.

The information communicated over social media is subject to the same laws, regulations, policies, and other requirements as information communicated in other written forms and formats. All City of Billings social networking sites shall adhere to applicable state, federal, and local laws, regulations, and policies including all Information Technology and Records Management policies. Freedom of Information Act and e-discovery laws and policies apply to social media content, and therefore content must be able to be managed, stored, and retrieved to comply with these laws. Department Heads, or designees, are responsible for determining who is authorized to use social media on behalf of the agency/department and for designating appropriate access levels. Social media network access shall be limited only to those with a clear business purpose to use the forum.

City of Billings Users are responsible for establishing and maintaining content posted to their social media sites on behalf of their agency/department and shall have measures in effect to prevent inappropriate or technically harmful information and links.

### **Employees:**

- 1) Must abide by all applicable policies and work rules regarding the use of the Internet when using social media tools for business purposes. The use of social media tools on City government entity IT resources will be monitored by the same method as defined in those policies and work rules.
- 2) Must not discuss or post confidential, proprietary, or otherwise restricted information.
- 3) When speaking on behalf of the City, users must be transparent when participating in any online community.
- 4) They should disclose their identity and affiliation with the City.
- 5) Communicate in a professional manner.
- 6) Abide by copyright and other applicable laws. Participation online results in a user's comments being permanently available and open to being republished in other media. Users should be aware that libel, defamation, copyright, and data protection laws apply.
- 7) When communicating on behalf of the City, staff must obtain the necessary authorization from management and the Public Information Officer or other designee as appropriate.
- 8) Must obtain permission before publishing photographs, videos, or quotes of others.

### **When your comments or profile can identify you as an employee of the City of Billings**

1) You must:

- a. Only disclose and discuss publicly available information
- b. Ensure that all content published is accurate and not misleading and complies with all City Policies.

When not representing the City, employees who publish personal or professional opinions must refrain from invoking their city government title. In such cases, users must use a disclaimer such as the following where technically feasible: "The postings on this site are my own and do not represent the position, strategy, or opinion of the City of Billings."

### **Social Networking Sites**

Users and visitors to City social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between City departments and members of the public. City social media site articles and comments are subject to removal, including but not limited to the following types of postings regardless of format:

- 1) Comments not topically related to the particular article being commented upon
- 2) Profane language or content;
- 3) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
- 4) Sexual content or links to sexual content;
- 5) Solicitations of commerce;
- 6) Conduct or encouragement of illegal activity;
- 7) Information that may tend to compromise the safety or security of the public or public systems.

### **Records Management**

Agency/Department use of social media shall be documented and maintained in an easily accessible format that tracks account information and preserves items that may be considered a record subject to disclosure.

- 1) Agencies/departments are responsible for the creation, administration, and deactivation of social media accounts.
- 2) Account password information shall only be shared with authorized staff that have been designated by the Department Head or his/her designee to fulfill the role of site account administrator.
- 3) Passwords shall conform to the City's complex password requirements when permissible.

- 4) Account passwords shall promptly be reset when an employee is removed as an account administrator.

Electronic information posted to a social media site by the City may be considered a record subject to a records request.

- 1) Any content maintained in a social media format that is related to City business, including a list of subscribers and City or publicly posted communication, maybe a public record. Agencies/Departments shall have procedures in effect to preserve published social media content.
- 2) The agency/department maintaining the site is responsible for responding completely and accurately to any public records request for public records on social media.
- 3) Site content shall be maintained in accordance with its respective Records Retention Schedule and accordance with City IT policies and procedures. If the content constitutes a public record, it must be disclosed to the public unless an exemption applies.
- 4) All social media sites shall be enrolled in a social media archiver for retention purposes.

### **Site Monitoring**

- 1) Agency/Department social media sites shall be monitored regularly, and prompt corrective action shall be taken when an issue arises that places, or has the potential to place, the City at risk.
- 2) Agency/Department social media site administrators shall review site activity and content daily for exploitation or misuse.
- 3) Agency/Departments that allow the public to post comments, links, or material directly onto their social media sites shall have an established process to verify that postings meet the rules established above.
- 4) Agencies/Departments choosing to use public comments shall consult with City legal counsel to develop agency or department-specific disclaimers to meet the City's legal needs. City legal counsel may also be consulted to determine whether to remove comments that violate this policy.
- 5) Agencies/Departments shall be responsible for monitoring employee use of social media and social networking sites in accordance with City IT policies and procedures.

### **SOFTWARE POLICY (IT 1A.390)**

#### **The Policy**

Departments are required to involve Information Technology in the acquisition of all software purchased by the City of Billings. Involving ITD early in the process when seeking technology-based solutions will significantly enhance the mutual goal of meeting operational needs while avoiding solutions that may not be optimal in our environment.

#### **Scope**

This policy applies to the purchase of all software solutions and/or software included with hardware as a packaged or bundled solution. Information Technology acknowledges that departments have the most complete understanding of their business practices, challenges, and goals. ITD aims to enhance the software selection process by collaborating with each department to understand their objectives and ensure that all software purchases align with these objectives, as well as the City's operational, interoperability, and cybersecurity requirements.

1) Responsibility Clarifications:

- a) IT must approve all software that is installed on or directly connected to the City's production network. IT will provide selection guidance, cybersecurity assessment, vendor management assistance, implementation support, any integration planning (e.g., API, FME, Webservice, SFTP, customization), and assistance with ongoing maintenance for these systems.
- b) Departments are responsible for software solutions that are wholly managed within their department or responsibility, including SaaS solutions, standalone applications, and vendor-hosted platforms that do not connect to or integrate with the City's production network.
- c) For department-managed software solutions that are independent of our City network and don't interface with other City solutions, including SaaS applications, the department responsible must handle setup, administration, updates, user management, troubleshooting, and vendor support. Departments are encouraged to engage with IT if they require assistance in all phases of procurement, implementation, integration, updates, maintenance, troubleshooting, and training.
- d) If there is a need for non-IT-managed software to integrate with City systems (e.g., authentication, data sharing, network access), IT will assist with cybersecurity reviews, vendor communications, and integration plans, ensuring compliance with City standards and policies.
- e) All centralized and department-managed software must comply with City IT cybersecurity standards and the **IT Cybersecurity & Policy Manual**.

### **Security & Licensing**

Only software licensed to the City of Billings may be installed on City of Billings' computers, servers, tablets, smartphones, or other peripheral devices. Users are prohibited from installing, adding, or using any unauthorized software of any kind (e.g., unlicensed, non-work-related, file sharing, peer-to-peer, remote access, messaging, cloud storage, development, security, antivirus or hacking) City of Billings' computers, tablets, servers, or other peripheral devices. Users shall not copy, duplicate, distribute, delete, or modify any proprietary or other software licensed to the City of Billings or related documentation without written authorization from the vendor and Information Technology Department. All software (centralized or department-specific) must comply with City IT cybersecurity standards outlined in the **IT Cybersecurity & Policy Manual**.

### **Review Process**

ITD will work with departmental representatives and/or designated committees to review the desired software solution thoroughly. The Review Process will address all the "Software Purchase Discussion Points" listed below to ensure a complete understanding of the software and the environment under which the solution will function.

The City recognizes that certain software conversions, implementations, or migrations may exceed the internal capacity of City staff or the vendor's support capabilities. In such cases, a third-party software implementation project management firm will be required to oversee the transition to ensure a successful deployment.

### **Software Purchase Discussion Points**

- 2) **Procurement Services:** Information Technology can provide any needed assistance in purchasing through State of Montana contracts, NASPO, WSCA, Request for Proposal (RFP), Invitation for Bid (IFB), competitive quotes, and existing cooperative purchasing agreements.
- 3) **Centralized vs. Department-Specific Solutions:**
  - a) When selecting software, IT prioritizes solutions that benefit multiple departments and integrate with existing City systems. These enterprise-wide (centralized) solutions help streamline operations, improve data sharing, and reduce duplication of effort.
  - b) However, in cases where software is designed for a specific department or a small group of users, a more localized (department-managed/decentralized) approach may be appropriate. These specialized solutions should still align with the City's IT standards and integrate with broader systems to ensure efficiency and security.
- 4) **Hosted, Software-as-a-Service (SAAS), and In-House Solutions:**

Software can be hosted either on-premises (in-house), at a remote data center, or a vendor/service provider (SAAS). Cost, security, types of data, availability, disaster recovery, backups and their frequency, solution support, and other factors must be considered before deciding on the best alternative.

  - a. *Software-as-a-Service Solutions (Cloud Solutions)*  
Many vendors will provide a remote hardware or software platform that clients can use to run their applications. This can be described as "Cloud-based Solutions" or SAAS Solutions (Software-as-a-Service). In this environment, all data will be stored at the vendor's site and managed by the vendor. The hosting vendor will be solely responsible for software maintenance, backup, recovery, storage, and data security. Software and data are accessed from the vendor through the Internet. Fees are typically based on usage and desired service levels.
  - b. *In-House solutions (On-Premises)*  
In this case, the City of Billings provides the hardware, operating system, database platform, network connectivity, security, backups, and connectivity necessary to run the application. These costs, along with setup/implementation services and ongoing application support, must be factored into any software acquisition plan.
- 5) **Application Architecture:**

The technology involved in developing software applications is constantly evolving. There are several prototypes for applications marketed these days.

a. *Web-based architecture*

Most applications are now developed with an internet or “web” / “browser” user interface. This allows access from devices (servers, PCs, laptops, tablets, mobile devices, smartphones, etc.) using browsers such as Microsoft Edge, Google Chrome, or Firefox. The advantages are that nothing needs to be loaded on the staff computer and access can be from anywhere.

b. *Client/Server architecture*

In this architecture, code/software is typically installed on staff computers that will access the application database directly. Code/software can often be run from a server using Remote Desktop, alternatively. This architecture is becoming less popular and poses maintenance and security problems.

c. *Mobile applications*

Mobile applications are optimized to function on smartphones and tablets using an Android or IOS (Apple) operating system. Mobile applications are designed to make information readily available in the field and allow staff to easily update databases with information while onsite and/or away from their office.

**6) Hardware:**

Software may have specific hardware requirements. IT should review the solution to ensure your department is aware of the hardware needs:

- d. End-User Needs: What are the system configurations needed in desktop, laptop, or mobile environments?
- e. Server Platforms: Does this server require a Windows Server? If so, which solution works best for this application: a Virtual Server, an on-premises physical server, or a cloud-based server?
- f. Storage: What are the storage needs of this application? Does the application software require quality/high-speed disks, affordable disks for archiving larger files, or hybrid storage that incorporates multiple types of storage for optimal performance and affordability?
- g. Network Capacity: What are the network bandwidth requirements to support this application effectively? IT will assess network capacity, including fiber optic connections, point-to-point wireless, and point-to-multipoint wireless options, to ensure end users have adequate internet bandwidth to run their applications efficiently. Key considerations include the need for low-latency connections, high throughput, and redundancy to ensure optimal application performance.

**7) Database Management System (DBMS):**

The database management system (DBMS) is a critical component of any software application. The DBMS supports access by multiple people with acceptable performance and provides security, data integrity, and data recovery functions.

a. *SQLServer*

Microsoft's SQLServer database management system is the recommended choice for IT. Most vendors support SQL Server. Licenses are required to use this product based on the number of persons and/or devices accessing the application.

- b. *MySQL*  
MySQL is an open-source product that is now widely used for both local (free download) and enterprise-wide applications (available from Sun Microsystems). The city uses MySQL in smaller or isolated applications where the vendor recommends it. IT can support MySQL. However, it is often supported by the software application vendor.
- c. *DB2/DB400*  
IBM's DB2/DB400 database management system is used to support all the AS/400 or iSeries applications, such as H T E, older versions of New World, and some older city-developed in-house applications. Many vendors, however, do not provide support for DB2/DB400, and the City is migrating any remaining applications away from this DBMS.
- d. *Oracle*  
Oracle DBMS is very popular in the industry. City IT does not have the resources to support an Oracle DBMS, so support must come from the vendor if it is purchased.

## 8) Integration/Migration/Automation:

City IT will develop a structured plan to implement new software systems, ensuring smooth integration with existing systems and effective migration of historical data.

- a) Data Migration: When replacing an existing system, IT will assess the scope and execution of data migration, including:
  - i) Determine if the new software replaces an existing solution and evaluate the impact.
  - ii) Assess data migration, including format requirements, validation checks, and accuracy assurance during the transition.
- b) System Integration: New software should be evaluated for compatibility with existing City systems to ensure seamless operations and data continuity. Key considerations include:
  - i) Data Exchange & Synchronization: Define if and how the new system should communicate with other City systems, specifying data exchange methods (e.g., real-time syncs, batch updates).
  - ii) Interface Development: Identify responsible parties for developing APIs, SOAPs, or system interfaces, establish security protocols for data exchange, and ensure ongoing maintenance.
  - iii) Ongoing Maintenance & Support: Assign roles for troubleshooting, monitoring, and maintaining integrations to ensure continuous functionality and security.
- c) Automation: Where feasible, automation should be incorporated to enhance efficiency and reduce manual effort in data migration and system integration. Key considerations include:
  - i) Automated Data Transfers: Implement scripts or tools to streamline data migration and synchronization.
  - ii) Workflow Automation: Leverage automation to manage routine tasks, improve response times, and minimize human intervention.

- iii) Monitoring & Alerts: Use automated monitoring systems to detect integration failures, performance issues, or security breaches, ensuring timely resolution.

## 9) **Security:**

Due to our changing world and threats from outside “Bad Actors,” security has become a more critical aspect of software applications than ever before. All software applications need to be reviewed for the type of data they contain, how the data is shared, who has access to the data, the need for additional security measures, etc.

All software systems must support all of the IT Security policies, including the Anti-Piracy Policy, Anti-Virus Policy, Cloud Services Policy, Identity Management Policy, Personal Identifiable Information (PII) Policy, Password Policy, Remote Access Policy, ...

## 10) **Third-Party Project Management Requirement**

- a) If a software conversion, migration, or implementation is determined to be too complex, large-scale, or beyond the capabilities of City staff and/or the vendor, a third-party software implementation project management firm must be engaged.
- b) IT, in coordination with impacted department leadership, will assess the project’s complexity and determine the need for external project management based on:
  - i) Scope of data migration and system integration complexity
  - ii) Degree of interdepartmental impact and workflow changes
  - iii) Vendor’s ability to support implementation beyond their standard services
  - iv) Past project performance and risk factors
- c) Responsibilities of the Third-Party Project Management Firm:
  - i) Serve as the primary liaison between the City, software vendor, and internal stakeholders.
  - ii) Develop and oversee the project implementation plan, timeline, and risk mitigation strategy.
  - iii) Ensure proper data migration, system testing, and user acceptance training before go-live.
  - iv) Monitor vendor performance and adherence to contractual obligations, security standards, and compliance.
  - v) Provide ongoing status updates to City Administration IT leadership and department heads.

## 11) **Backups & Disaster/Recovery:**

Review the options for the backup of data associated with all software solutions. A backup strategy will involve discussions concerning the location of data, frequency of backups, longevity of backups, backup media options, and sensitivity of the information.

Additionally, the speed of data recovery is a critical factor in ensuring business continuity, minimizing downtime, and maintaining operational efficiency. Assess recovery time objectives (RTOs) and recovery point objectives (RPOs) to align with business needs and expectations.

## TECHNOLOGY REPLACEMENT GUIDELINES (TRG) (IT 1A.400)

### **The Policy**

The City of Billings recognizes the importance of maintaining efficient and up-to-date technology infrastructure to deliver superior services to its residents and optimize internal operations. The TRG aims to support the Technology Replacement Plan (TRP) including the replacement lifecycles outlined for each technology class defined in "Exhibit 1" of the Technology Replacement Plan.

### **Scope:**

This policy applies to all technology hardware, software, and related assets owned or managed by the City of Billings, including but not limited to computers, servers, networking equipment, software applications, and mobile devices.

#### 1) Responsibility Clarifications:

- a. ITD Responsibility
  - i. All general-purpose computing hardware, including but not limited to desktops, laptops, servers, monitors, printers, mobile phones, tablets, and networking equipment (e.g., switches, routers, firewalls) that connect to the City's production network.
  - ii. Oversight of the entire lifecycle for this equipment, including procurement, configuration, security updates, inventory tracking, support, and replacement planning.
  - iii. Ensuring hardware meets minimum security and performance standards and integrates with Citywide applications and services.
- b. Department Responsibility
  - i. All specialized hardware that is dedicated to department-specific functions or does not connect to the City's production network.
  - ii. Oversight of the setup, maintenance, repairs, lifecycle management, and replacement planning for these devices.
  - iii. Ensuring that department-specific hardware meets operational needs, vendor specifications, and compliance with relevant regulations.
  - iv. Departments are fully responsible for funding technology replacements in accordance with the guidelines in this policy and their operational needs.
  - v. Responsibility for the implementation and maintenance of specialized hardware remains with the owning department
- c. IT Advisory Role for Specialized Hardware
  - i. ITD will provide technical consultation on specialized hardware purchases as needed.
  - ii. ITD will assist in reviewing network segregation or security best practices if a department wishes to connect specialized hardware to City systems.
- d. Inventory and Asset Management
  - i. IT, in conjunction with departments, should ensure that both IT-managed and department-managed hardware is accurately reflected in the TRP inventory system (currently Asset Tiger). Items should be reviewed and updated annually in accordance with the TRP Guidelines.

### **Policy Guidelines:**

#### 1) Technology Lifecycle Assessment:

- a. The IT department shall conduct periodic assessments of all technology assets to evaluate their current state, performance, and compatibility with existing systems. Recommendations will be made to the Technology Replacement Plan (TRP) Committee on lifecycle guidelines defined within the TRP.

2) Replacement Schedule:

- a. All technology assets that exceed the lifecycle recommendations defined in the TRP "Exhibit 1" shall be scheduled for replacement within the next fiscal year.
- b. Unforeseen developments in the technology world that pose a cybersecurity risk or other threat to the organization may require unplanned replacements prior to the next planned replacement cycle.

3) Technology Procurement:

- a. The IT department shall be responsible for providing departments with suitable options for replacement of technology assets and procuring solutions through a competitive and transparent procurement process.

4) Data Migration and Backup:

- a. Before replacing any technology asset, the IT department shall ensure appropriate data backup and migration procedures are in place to prevent data loss or disruption of services.
- b. Sensitive or confidential data shall be handled in accordance with the city's data security policies and relevant regulations.

5) Employee Training and Support:

- a. The IT department shall provide training and support to employees to familiarize them with the new technology and its functionalities.
- b. Adequate documentation and assistance shall be available to facilitate a smooth transition to the new systems.

6) Disposal and Recycling:

- a. All outgoing technology assets shall be disposed of in an environmentally responsible manner, adhering to local and federal regulations.
- b. The IT department shall coordinate with Purchasing and adhere to all property disposal policies when recycling E-waste and/or donating old technology assets.

7) Review and Updates:

- a. These Technology Replacement Guidelines (TRG) shall be reviewed annually by the IT department and relevant stakeholders to ensure their effectiveness, relevance, and to be sure they fully align with the Technology Replacement Plan (TRP).
- b. Necessary updates and amendments shall be proposed and implemented based on technological advancements and evolving city requirements.

Adherence to the TRG is mandatory for all city departments and agencies. Failure to comply with this policy may result in disruption of technology services, removal of non-compliant devices from the city network, and an inability for IT vendors to provide support, as well as other related consequences of non-compliance as outlined in City guidelines.

## WIRELESS SECURITY POLICY (IT 1A.410)

### **The Policy**

Wireless devices or networks used to access, store, process, or transmit City of Billings' information or access the City network are to be implemented in a secure manner.

### **Scope**

This policy applies to all users and all wireless devices, networks, services, and technologies used to access, store, process, or transmit city information or connect to the city network. The term "wireless" refers to any technology that does not use wires or cables. This policy is an integral and supportive part of the overall City of Billings' **Information Technology Cybersecurity & Policy Manual**.

### **Cybersecurity & Policy Manual.**

### **Background**

Wireless devices and networks enable untethered communications to mobile users.

Improperly installed, configured, or managed wireless technology presents a significant risk to the confidentiality of information. Wireless network security refers to the protection of wireless network hardware, software, and the information contained in them from threats caused by the inherent vulnerabilities in technology and its implementation.

### **Appropriate Use**

- 1) All actions, communications, and resource usage must directly support business goals and align with the City of Billings policies
- 2) Wireless technology may be used to access, store, process, or transmit the City of Billings' business and connect to the city's network infrastructure provided that it conforms to all applicable **Information Technology Cybersecurity & Policy Manual** policies, including but not limited to this policy.
- 3) Wireless devices may not be used to gain or attempt to gain unauthorized access to any network. This includes accessing the City's network, external non-city networks, and the internet to which the user has not been granted access.
- 4) All wireless connection(s) and/or the installation of any wireless hardware must be reviewed and approved in advance of installation by the Information Technology Department.
- 5) All 802.11 wireless networks connected to the City's internal network will be configured with WPA2 level security standards or higher. WPA2 implements the latest Advanced Encryption Standard (AES), which is "government-grade" data encryption.
- 6) Only city-owned devices may be connected to the City's internal wireless network. City-owned cellular devices and tablets should only be connected to the internal wireless network if there is a business-related need to do so. Otherwise, city-owned devices should utilize the available Guest wireless network or their cellular plan for access to the internet.
- 7) Personal wireless devices are not allowed to use the City internal wireless network. Personal devices may use the available Guest wireless network. Still, they must adhere to all the policies, guidelines, rules, and regulations outlined in the **Information Technology Cybersecurity & Policy Manual** and Human Resource policies.

- 8) Manufacturer default Administration and/or Management passwords MUST be changed on all devices/nodes that allow end-users to connect wirelessly to the City of Billings' network. This includes, but is not limited to, all wireless access points, bridges, hot spots, appliances, smartphones, Internet of Things (IoT) devices, printers, etc.
- 9) Any Internet of Things (IoT) device that cannot change the default administrator password is not allowed to connect to the wireless network.
- 10) Users are not allowed to install access points, routers (wired or wireless), network switches, and/or any other device providing access to the City's network unless authorized by the Information Technology Department.
- 11) City of Billings' employees may not use wireless network location or wireless traffic packet analysis software unless authorized by the IT Director.

## **Access Control**

- 1) Access to the city's network and computing infrastructure via a wireless connection is considered remote access. It must be authenticated using robust authentication mechanisms that comply with the City of Billings' **Remote Access Policy** and **Password Policy**.

## **Risk Assessment**

- 1) Due to the constantly changing threats and vulnerabilities, risk assessments will be conducted on a periodic basis to provide an accurate picture of the total risk to the City of Billings.
- 2) To manage security risks from wireless devices, ITD will monitor the city's internal network for unauthorized use of wireless devices. ITD reserves the right to disable and/or confiscate any wireless device that is accessing our wireless or wired internal network and isn't authorized by ITD for use on the city's internal network.
- 3) ITD may revoke access to a wireless device at any time and for any reason.

## **Wireless Guest Network**

- 1) The City of Billings provides a guest wireless network for employees to use with personal wireless devices.
  - a. Traffic is monitored, and basic web filtering is enforced on this network.
  - b. Security is less robust on the guest wireless network, so employees should take care to secure their own devices before connecting to the guest wireless network.
  - c. Users of the guest wireless network must adhere to all the policies, guidelines, rules, and regulations outlined in the **Information Technology Cybersecurity & Policy Manual** and Human Resource policies.
- 2) Vendors and contractors may use the guest wireless network at their convenience. ITD must approve all requests for internal network access.

- 3) Bandwidth is restricted on the guest wireless network. ITD cannot always guarantee the speed or availability of the guest wireless network for personal use. The guest wireless network is offered as a convenience, and personal use may be restricted if resources are needed for business purposes.
- 4) City-owned devices should not be connected to the wired internal city network and the wireless guest network at the same time.