



# City of Helena

## ADMINISTRATIVE MEETING

March 20, 2024 - 4:00 PM

City - County Building Room 326 / Zoom Online Meeting; <https://us06web.zoom.us/j/83705439907>

## AGENDA

1. **Call to Work Session, introductions**
2. **Commission comments, questions**
3. **Board Appointment Review**
  - a. Board Appointment Discussion - Citizens Conservation Board; Metro Opioid Abatement Review Committee
4. **Recommendations from the Helena Citizens Council**
5. **City Manager's Report**
  - a. Project Update - Family Promise
6. **Presentations**
  - a. City-County Board of Public Health Update
  - b. Lyndale Tunnel Mural Presentation
  - c. Dumpster Art Presentation
  - d. Citizens Conservation Board Annual Report to the Commission
7. **Department Reports**
  - a. Personnel Policies
8. **Public Comment**
9. **Commission discussion and direction to the City Manager**
10. **Adjourn**

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Phone: (406) 447- 8490

TTY Relay Service 1-800-253-4091 or 711

Email: [citycommunitydevelopment@helenamt.gov](mailto:citycommunitydevelopment@helenamt.gov)

Mailing Address & Physical Location: 316 North Park Avenue, Room 445, Helena, MT 59623.

March 8, 2024

TO: City Commissioners  
FROM: Mayor Wilmot Collins  
SUBJECT: Board Appointments

I am recommending the following board appointments:

**Citizens Conservation Board**

Appointment of Nathan Castruita to a first term on the Citizens Conservation Board. Term will expire on February 28, 2027.

**Metro Region Opioid Abatement Review Committee**

Appointment of James Petrovich to the Metro Region Opioid Abatement Review Committee. This term is non-expiring.

\*Appointees can reapply for full terms following the completion of the Interim Appointment.

***City of Helena, Montana***

***March 14, 2024***

**To:** Mayor Collins and the Helena City Commission

**From:** Troy Sampson, Community Facilities Director  
Bridget Johnston, Community Facilities Manager

**Subject:** Lyndale Tunnel Mural Presentation

**Present Situation:** The Community Facilities Department published a Call for Artists to commission a painted mural on the walls and entrances to the tunnel under Lyndale Avenue between Centennial Park and the Great Northern.

Nineteen qualified submissions were received. The Helena Public Art Committee reviewed and scored anonymous submissions on January 17 and their recommendation of “Helena: Queen of the Rockies” by Artist Wyatt Hersey was presented by staff to the Commission on March 6.

**Background Information:** The Helena Public Art Committee is charged with identifying public art projects. This project was approved through the FY24 budget process and would be carried out by the Community Facilities department.

**Proposal/Objective:** City staff has considered the Commissioners’ discussion from the March 6th meeting and now brings forth a staff recommendation. Staff updated the Public Art Committee of this action, to which Chairperson Reese stated in reply “There were so many great submissions, I’m sure that City Staff and the Commission will be able to pick a concept that everyone will be happy with.”

Community Facilities staff recommends artist Elise Perpignano’s design “Wildfire” for the Lyndale Tunnel Mural. Elise is a local Helena artist and her design is a great fit for the City of Helena, especially with the upcoming 75<sup>th</sup> anniversary of the Mann Gulch Fire, which the design commemorates.

The objective is to identify an artist to bring forth for a vote at the next Commission meeting to award a contract for painting the mural.

**Advantage:** Installation of a large-scale mural on the tunnel connecting the Great Northern to Centennial park will add beauty, character, and a sense of pride to the City of Helena.

**Notable Energy Impact:** *None*

**Disadvantage:** No disadvantages are expected.

**Notice of Public Hearing:** NA

**Staff Recommendation/  
Recommended Motion:**

***City of Helena, Montana***

***March 14, 2024***

**To:** Mayor Collins and the Helena City Commission

**From:** Troy Sampson, Community Facilities Director  
Bridget Johnston, Community Facilities Manager

**Subject:** Dumpster Art Presentation

**Present Situation:** The Community Facilities Department published a Call for Artists to commission painted murals on dumpsters.

Thirteen qualified submissions were received. The Helena Public Art Committee reviewed and scored anonymous submissions on February 21 and recommended four designs with a fifth alternate.

The dumpsters will be cleaned and delivered to the City County building by Helena's Solid Waste division. There will be a painting event on May 4 where Public Art Committee members and other volunteers will prime the dumpsters and apply anti-graffiti sealant after the artists paint their designs. The dumpsters currently identified to be painted are located at the City-County Building, the Helena Civic Center, the Law and Justice Center, and the Chamber Building.

**Background Information:** The Helena Public Art Committee is charged with identifying public art projects. This project was approved through the FY24 budget process and would be carried out by the Community Facilities department.

**Proposal/Objective:** Staff presents the recommended designs and is seeking consensus from the Commission to move forward.

**Advantage:** The painting of murals on dumpsters located within the City creates additional public art that adds beauty and character to areas in public sight that is not typically there.

**Notable Energy Impact:** *None*

**Disadvantage:** No disadvantages are expected.

**Notice of Public Hearing:** NA

**Staff Recommendation/  
Recommended Motion:**

# CITIZEN CONSERVATION BOARD ANNUAL REPORT TO THE HELENA CITY COMMISSION



# Basic Overview

CCB will fulfill its obligations by issuing to the City Commission a report. The report will include:

- The state of current sustainability measures undertaken by the City of Helena, and;
- Identify 3-5 specific sustainability measures for the City Commission to review and provide guidance to the City Manager on as priorities for the coming annum.

# State of Current Sustainability Measures Undertaken by the City of Helena



## CLEAN ELECTRICITY:

**GOAL:** Resolution 20592 set forth the goal for the City of Helena "to take the necessary steps, within its control, to power the community with 100% clean, renewable electricity by 2030" including an interim goal of 80% by 2025.

**STATUS:** In 2023 NorthWestern Energy stated that the "electricity supply mix for our Montana customers includes nearly 70% clean energy."



## WASTE REDUCTION:

**GOAL:** Resolution 20643 called for the development of a Strategic Plan for Waste Reduction and set forth a solid waste diversion goal of 50% by 2040, with an interim goal of 35% by 2030.

**STATUS:** In 2022 the Strategic Plan for Waste Reduction was completed and identified that the City's current diversion rate is approximately 26%.



## WATER CONSERVATION:

**GOAL:** The 2009 Climate Action plan gave the City a goal to reduce gallons, per capita, per day demand from 175 in 2005 to 100 in 2025.

**STATUS:** The 2022 Sustainability Report transitioned the City to calculating gallons, per capita, per day use (instead of demand) based on residential meters to get a more accurate measurement of household water use. This showed that the average residential water use per person per day was 81-90 gallons.

# CCB Recommendations

Prioritization of the following sustainability actions for FY2025:

- Energy Conservation and Efficiency
- Green Electricity
- Transportation
- Water Conservation



# Energy Conservation and Efficiency

## Recommendation:

Amend Resolution 20218, which established a Residential Energy Efficiency and Renewable Energy Loan Program, to specifically include air sourced heat pumps and add language to prioritize applications from low-income and disadvantaged households.

“Section 2: Loans to residential property owners may only be used to purchase and install energy efficiency upgrades and renewable energy systems including, but not limited to, solar photovoltaic systems, wind turbines, geothermal, **air source**, and ground source heating systems, grey water systems, and solar water heating systems.”

Section 3..... “Availability of loans is subject to availability of funds dedicated to this program by the City Commission. **Applications from households determined to be low-income or disadvantaged shall receive priority on the funding list.**”

# Green Electricity

## Recommendation:

Continue to support the Residential Energy Efficiency and Renewable Energy Loan Program, established by Resolution 20218, with additional funds in FY2025.

# Transportation

## Recommendation 1:

Support mode shifts towards walking and biking by denying variance requests to not put sidewalks and boulevards in and continue funding for ADA compliant ramps on sidewalks.

## Recommendation 2:

Create a resolution to make vehicle replacement with Electric Vehicles the default. Unless justified otherwise based on usage patterns and availability restrictions.

# Water Conservation

## Recommendation:

Create a resolution adopting Lush and Lean Landscaping Practices for municipal properties to include drought-resistant native and xeriscape planting strategies.

# THANK YOU!

We appreciate the opportunity to contribute to and serve our community.

***City of Helena, Montana***

**03/05/2024**

**To:** Tim Burton, City Manager

**From:** Renee McMahon, Human Resources Director

**Subject:** Personnel Policies

**Present Situation:**

Personnel policies are very important since they make clear what the expectations are of the City of Helena employees and operations. While personnel policies are continually evaluated and modifications will continually be brought to the Commission for approval, Human Resources has identified the policies brought forward at this time for priority consideration.

**Background Information:**

The personnel policies brought forward at this time serve to clarify confusing or missing policy language, bring policies into state and federal employment law compliance, provide flexibility to best meet departmental operations, and to comport with the HR modules of the new ERP software system.

**Proposal/Objective:**

The objectives for the proposed policies are listed below:

3-2: Sick Leave: The revised language clarifies that employees may use their earned, accrued sick leave to attend a funeral.

4-1: Scheduling Hours of Work: Clarifies break provisions and defines the work week for time keeping purposes.

4-2: Overtime/Compensatory Time: Clarifies exempt v. non-exempt employees' processes and expectations when working more than 40 hours per week to include overtime pay and comp time off. Comports policy to the new ERP system.

4-3: Holiday Worked: Clarifies pay provisions for exempt and non-exempt employees who work on an observed holiday. The policy clarifies the distinction between when a non-exempt employee requests/volunteers to work an observed holiday v. when they are required to work an observed holiday.

4-4: Time Reporting/Pay Periods: Clarifies the proper timekeeping, reporting, and processing of paid time. Comports to the new ERP system.

4-5: Relationship of Personnel Policies to the Fair Labor Standards Act: Reflects language of state and federal Fair Labor Standards Act provisions.

4-6: Exempt Employee Leave and Pay Deductions: This is a new policy to define the permissible deductions to exempt employee pay. This policy reflects state and federal wage and hour laws.

7-1: Performance Evaluations: Allows for annual performance evaluations to be conducted on a timeline that best meets departmental operational needs.

**Advantage:**

The revisions to these policies serve to clarify confusing or missing policy language, bring policies into state and federal employment law compliance, provide flexibility to best meet departmental operations, and to comport with the HR modules of the new ERP software system.

**Notable Energy Impact:**

N/A

**Disadvantage:**

Some training and communication will need to occur for city staff to understand and implement new policy provisions.

**Quasi-Judicial Item:**


False

**Notice of Public Hearing:**

False

**Staff Recommendation/  
Recommended Motion:**

The staff recommends discussion and consideration of these policies.

	<b>City of Helena</b> <b>Personnel Policy</b>	Policy number	3-2
		Original Adoption	02-09-1987
		Revision #	11
		Last revision date	
<b>Section Title</b>	<b>Employee Leave Administration</b>		
<b>Subject</b>	<b>Sick Leave</b>		

### **Eligible Employees**

- Regular Full-Time
- Regular Part-Time (hours earned pro-rated)
- Temporary Full-Time
- Temporary Part-Time (hours earned pro-rated)

Hours of work for above employees must be pre-scheduled to be eligible to earn sick leave credits.

### **Calculation of Sick Leave Credits**

Full-time employees working 2080 or more hours per year earn a maximum of 96 hours of sick leave per year. This is credited at four (4) hours the first two pay periods of each month. Credits are pro-rated for part-time and seasonal employees every pay day based on the number of hours paid during that pay period.

These sick leave credits may not be used until the start of the next bi-weekly pay period. There is no restriction as to the number of hours of sick leave credits that may be accumulated, nor to the number of accrued sick leave credits that may be used for a bona fide employee illness or disability, provided that the qualifying period has been completed.

Employees on "non-pay" status will not earn leave credits (See Policy 3-5)

### **Qualifying Work Period**

Sick leave credits accrue from the first day of employment in a position that has pre-scheduled hours of work.

An employee must be continuously employed for the qualifying period of 90 calendar days to use sick leave.

Unless there is a break in service of 40 consecutive hours or more, an employee only serves the qualifying period once. After a break in service an employee must again complete the qualifying period to use sick leave.

"Break in service" is defined as a period 40 hours or more when the employee is not employed by the City of Helena.

### **Effect of Extended Leave of Absence on Qualifying Work Period**

When an employee who has not worked the qualifying period for use of sick leave takes an approved continuous leave of absence without pay exceeding 120 hours, the amount of time on leave of absence will not count toward completion of the qualifying period. The approved leave of absence exceeding 120 hours is not a break in service and the employee will not lose any accrued sick leave credits or lose credit for time earned toward the qualifying period. An approved continuous leave of absence without pay of 120 hours or less will be counted as time earned toward the 90day qualifying work period.

### **Sick Leave Requests**



It is City policy for employees to report illnesses to supervisors or other department officials at the earliest possible moment. Employees who do not report to work and fail to notify their supervisor will be considered AWOL (Absence Without Leave) and may not be paid for the time off.

The employee's immediate supervisor or department head is responsible for approval of non-FMLA leave use and may require a medical release for leave charged against any sick leave credits. The Human Resource Office is responsible for approval or denial of sick leave usage when related to FMLA. The employee must notify Human Resources 30 days in advance, or as soon as known if less than 30 days, of any foreseeable medical absence. The employee's immediate supervisor or department head must notify Human Resources if unforeseeable leave will extend past 24 working hours or three (3) work days, whichever is less. Leave that may qualify under the Family Medical Leave Act (see Policy 3-7) will be approved and administered by the Human Resources office. Non-adherence to FMLA employee responsibilities may disqualify employees' use of sick leave during part or all of the absence. The Human Resource Office will adjust the employee's time coding from sick leave to another leave type if deemed unqualified by HR.

Medical certification may also be required to certify that the illness of a family member requires the immediate attention of the employee.

Medical certification of maternity-related sick leave must be obtained in the same manner and under the same conditions as certification for other sick leave.

#### **Conditions for Use of Sick Leave**

An employee may use sick leave credits for:

- A. Illness: Illness that occurs during an employee's vacation or when using banked holiday hours (not applicable in all areas) may be charged to sick leave with verification when requested;
- B. Non-work related injury;
- C. medical disability;
- D. maternity-related disability, including prenatal care, birth, miscarriage, abortion, or other medical care for either employee or child;
- E. quarantine resulting from exposure to contagious disease;
- F. medical, dental or eye examination or treatment;
- G. necessary care of or attendance to an immediate family member, or at the department's discretion, another relative, for the above reasons until other attendance can reasonably be obtained;
- H. death or funeral attendance as defined below; and/or
- I. parental leave as defined below.

#### **Death of Family Member**

An eligible employee may use up to 40 hours of their earned, accrued sick leave credits to attend the funeral of an immediate family member, or at the department's discretion, for another person.

#### **Parental Leave: Regular Employees who have Successfully Completed Probationary Period**

The City of Helena provides a maximum of 160 hours, or four weeks, of Paid Parental Leave (PPL) for eligible employees. Eligible employees are regular full-time and part-time employees who have been employed for at least 12 consecutive months and who have successfully completed their probationary period. Parental leave is defined as "leave to allow parents time to bond with and care for a newborn child or a child adopted or taken in for foster care." See Policy 3-10, Paid Parental Leave for specific details.

If an employee requests to use sick leave after the 160 hours of PPL has been exhausted, medical certification of necessity must be provided.

Additional time, beyond the initial 160 hours of PPL, may be requested in the form of vacation, compensatory time or leave without pay as noted in Policy 3-7, Family and Medical Leave.

**Parental Leave: Probationary and Temporary Employees**

Probationary employees and temporary employees who do not qualify for PPL but have worked the qualifying work period to use sick leave, may use up to 120 hours of sick leave immediately following the birth or placement of a child if:

- the employee is adopting a child; or
- the employee is a birth father.

As used in this section, "placement" means placement for adoption as defined in §33-22-130 (3), MCA.

If an employee requests additional sick leave beyond the 120 hours, medical certification of necessity must be provided.

Without medical certification, additional time, beyond the initial 120 hours, may be requested in the form of vacation, compensatory time or leave without pay as noted in Policy 3-7.

Probationary and temporary employees are not eligible for Paid Parental Leave (PPL).

**Maternity Leave: Regular Employees who have Successfully Completed Probationary Period**

An employee may request sick leave for a pregnancy-related disability that occurs before the birth of a child. Leave must be requested and approved or disapproved consistent with Policy: 3-1 and 3-2.

Six (6) calendar weeks after the birth of a child shall be considered a reasonable period of recovery from a temporary disability resulting from childbirth.

The City of Helena provides a maximum of 160 hours, or four weeks, of Paid Parental Leave (PPL) for eligible employees that can be utilized for maternity leave. Eligible employees are regular full-time and part-time employees who have been employed for at least 12 consecutive months and who have successfully completed their probationary period. See Policy 3-10, Paid Parental Leave for specific details.

An employee shall not be required to obtain medical certification of a temporary disability for the initial six (6) calendar weeks of leave following the birth of a child. Eligible employees missing work due to childbirth may utilize two weeks of sick leave in addition to the 160 hours, or four weeks granted them as PPL. PPL and sick leave combined may equal six (6) calendar weeks.

If the employee requests sick leave due to disability which exceeds six (6) calendar weeks, the employee shall obtain medical certification that the additional leave is medically necessary.

It is City policy to allow employees to be absent from work for up to 12 "work weeks" for maternity reasons including adoption. The 12 "work weeks" will include the initial six (6) calendar weeks directly related to recovery from childbirth, or the initial 15 days allowed for adoption, as noted in Policy 3-7.

An employee may request the use of annual leave, leave without pay, compensatory or other appropriate paid leave for purposes such as adoption or childcare. Leave shall be requested by the employee and approved by the department consistent with City policy as outlined in Policy 3-1, 3-2, 3-4 and 3-7.

**Maternity Leave: Probationary and Temporary Employees**

Probationary employees and temporary employees who have worked the qualifying work period to use sick leave may request sick leave for a pregnancy-related disability that occurs before the birth of a child. Leave must be requested and approved or disapproved consistent with Policy: 3-1, 3-2 and 3-7.

Six (6) calendar weeks after the birth of a child shall be considered a reasonable period of recovery from a temporary disability resulting from childbirth.

An employee shall not be required to obtain medical certification of a temporary disability for the initial six (6) calendar weeks of sick leave following the birth of a child. If the employee requests sick leave due to disability which exceeds six (6) calendar weeks, the employee shall obtain medical certification that the additional leave is medically necessary.

An employee may request the use of annual leave, leave without pay, compensatory or other appropriate paid leave for purposes such as adoption or childcare. Leave shall be requested by the employee and approved by the department consistent with City policy as outlined in Policy 3-1, 3-2, 3-4 and 3-7.

Probationary and temporary employees are not eligible for Paid Parental Leave (PPL)

### **Expending Accrued Sick Leave Credits**

Sick leave credits will be expended on an "hour for hour" basis in no less than quarter (1/4) hour increments. Employees on shifts longer or shorter than eight (8) hours will be charged for the actual number of work hours taken off.

### **Abuse of Sick Leave**

Misrepresentation of the actual reason for charging an absence to sick leave is cause for dismissal and forfeiture of the lump-sum payment.

Chronic, persistent, or patterned use of sick leave may be subject to progressive discipline. An employee disciplined for abuse of sick leave is not eligible to apply for donated sick leave for a period of one (1) year after the discipline is imposed. This includes documented verbal and written warnings.

Absences improperly charged to sick leave may, at the City's discretion, be charged to available compensatory time or leave without pay. Annual leave may be used at the mutual agreement of the employee and the supervisor.


### **Lump-Sum Payment Upon Termination or Discharge**

Except those participating in a qualifying VEBA plan, when an employee terminates or is discharged from employment, the employee is entitled to cash compensation for unused sick leave credits equal to one-fourth of the compensation the employee would have received if the employee had used the credit, provided the employee has worked the qualifying period.

The value of unused sick leave is computed based on the employee's salary at the time of termination.

According to §2-18-618(6), MCA, "accrual of sick leave credits for calculating the lump-sum payment begins July 2, 1971."

Employees discharged for reasons including the abuse of sick leave forfeit the right to lump-sum payment for any sick leave balance.

	<b>City of Helena</b>  <b>Personnel Policy</b>	Policy number	4-1
		Original Adoption	02-09-1987
		Revision #	6
		Last revision date	
<b>Section Title</b>	<b>Hours of Work</b>		
<b>Subject</b>	<b>Scheduling Hours of Work</b>		

This section establishes guidelines for supervisors in scheduling the times employees are to be at their jobs in order to meet the needs of the City and to assure compliance with the Fair Labor Standards Act and applicable state laws and regulations.

Collective bargaining agreement provisions supersede this policy, where applicable.

Each supervisor will establish the hours of work in a day and days of work in a week for each employee under his/her supervision subject to direction and change by the department head and City Manager.

### **A Day's Work**

The normal workday for most City employees is eight hours with an unpaid lunch period of one-half hour to one hour. It is necessary for some departments to have 24-hour coverage in the unit making it necessary to schedule longer shifts. Such "scheduled" shifts shall not total more than 40 hours in a workweek.


### **Breaks**

Generally, employees will be allowed a fifteen (15) minute paid rest break approximately mid-way between their starting time and their lunch period and another fifteen (15) minute paid rest break approximately mid-way between their lunch period and the end of their shift. These break times are a general guideline, dependent on operational needs, and are not a guarantee of a specific number of daily breaks. Breaks may not be combined or used to make up for being late, leaving the workplace early or extending lunch periods.

- Breaks taking longer than 15 minutes may require the use of annual leave or compensatory time.
- Break times may be adjusted by supervisors to accommodate operations.

### **The Workweek**

A normal workweek shall consist of no more than forty (40) working hours in a seven (7)-day period. The workweek is defined as Sunday midnight through Saturday 11:59 p.m.

	<b>City of Helena</b> <b>Personnel Policy</b>	Policy number	4-2
		Original Adoption	02-09-1987
		Revision #	11
		Last revision date	
<b>Section Title</b>	<b>Hours of Work</b>		
<b>Subject</b>	<b>Overtime/Compensatory Time</b>		

### **FLSA Non-exempt Employees**

Employees considered "non-exempt" by FLSA (The Fair Labor Standards Act) must be paid or compensate with time off at 1-1/2 times their "base rate" for hours worked in excess of 40 hours in any workweek. Non-worked hours paid for vacation, sick leave or compensatory time will not be counted as hours worked for FLSA overtime calculations.

- All overtime must be pre-approved by the supervisor. Employees may be disciplined if overtime is worked without prior authorization. If a supervisor becomes aware that an employee is voluntarily working overtime without authorization, the employee must be paid for overtime already worked but the supervisor has two options: 1) direct the employee to stop voluntarily working the overtime or 2) authorize the overtime. An employee may not "donate" time to the City to compensate for overtime worked that was not previously authorized.
- When submitting overtime in the time keeping system, an employee must request whether they desire compensatory time instead of overtime pay. Compensatory time in lieu of overtime pay is subject to supervisor approval. Employees will be notified when time is approved of which method will be used.
- All records of compensatory time worked and overtime worked by non-exempt employees must be indicated in the time keeping system for the period the hours were worked.
- Compensatory time may be accrued. Non-exempt employees may accumulate up to 80 hours of compensatory time unless an exemption is granted by the City Manager.
- Compensatory time and overtime shall be earned, recorded and used in no less than quarter (.25) hour increments.
- Compensatory time may be taken at the request of employees within a reasonable period after the request is received if the use does not disrupt the operation of the unit. Where the interest of the City requires the employee's attendance, the City's interest overrides the employee's interest to take compensatory time off. The City may require an employee to take accrued compensatory time off during any workweek.
- Accrued non-exempt compensatory time will only be paid out (1) at the time the employee terminates or is discharged from employment; (2) as specified in the employee's Collective Bargaining Agreement; (3) for any overtime hours that exceed the maximum-allowed compensation time accumulation (80 hours) ; and (4) on a promotion from a non-exempt to exempt position. The City may, at any time, and at its option, cancel or "cash-out" accrued compensatory time by paying the employee cash compensation for unused compensatory time or by requiring the employee to take the time off.

### **FLSA Exempt Employees**


It is the policy of the City of Helena to allow its employees who are exempt from the Federal Fair Labor Standards Act of 1938 (FLSA, Title 29 USCA, Chap. 8, Sec. 201-219, as amended) to accrue and use leave, to include exempt compensatory time in compliance with this policy. State and Federal laws do not require the City to make the accrual or use of compensatory time available to exempt employees. Exempt compensatory time is not intended to provide any compensation in addition to the salaries established. Rather, it is a means of providing greater flexibility in scheduling time for exempt, salaried employees.

Exempt employees are exempt from overtime and minimum wage provisions of the Fair Labor Standard Act and are paid on a salary basis. 29 C.F.R. Part 541. In general, exempt employees exercise discretion and independent judgment in matters of significance to perform their work and have authority to make independent choices, free from immediate direction and supervision. Due to the nature of the work, an exempt employee may work more than 40 hours in a workweek.

- Exempt employees may accrue compensatory time.
  - A maximum of eighty (80) hours of exempt compensatory time may be accumulated. An employee is prohibited from accumulating exempt compensatory time until the employee's balance, during any given pay period, is reduced below eighty (80) hours, however the employee must report all hours worked for record keeping purposes.
  - Accrued exempt compensatory time may be taken off by the employee at a mutually agreeable later date during the employee's regular working hours, if the use of the compensatory time does not unduly disrupt the operations of the City and/or department. Where the interest of the City requires the employee's attendance, the City's interest overrides the employee's interest to take exempt compensatory time off. The City may require an exempt employee to take accrued exempt compensatory time off during any workweek.
  - Compensatory time shall be earned, recorded and used in no less than quarter (.25) hour increments.
- There shall be no lump sum cash compensation for accrued exempt compensatory time at the time of termination or discharge.

### **Collective Bargaining Agreements**

All overtime provisions addressed in Collective Bargaining Agreements apply.

	<b>City of Helena</b> <b>Personnel Policy</b>	Policy number	4-3
		Original Adoption	02-09-1987
		Revision #	-87
		Last revision date	
<b>Section Title</b>	<b>Hours of Work</b>		
<b>Subject</b>	<b>Holiday Worked</b>		

A Holiday is defined as being any 8-hour period of scheduled work time identified by state or federal law, defined in Policy 3-4: Holidays and Holiday Pay.

### **Exempt Employees**

An exempt employee who works on a day a holiday is observed, whether voluntarily or required, is entitled to the same number of hours worked with pay either on the scheduled work during the same pay period or as soon as possible in following pay periods that were worked on the holiday. All holiday hours must be used by the end of the calendar year in which they were worked unless otherwise stated in a collective bargaining agreement.

### **Non-Exempt Employees**

- **Request to Work on a Holiday**

There may be occasion when a non-exempt employee requests to work on a day a holiday is observed. Non-exempt employees who request to work on a holiday, may be allowed to work a holiday and receive another day off with pay, provided the following requirements are met: 1) they receive prior approval from their supervisor, 2) suitable, productive work is identified to be performed on the holiday, and 3) the replacement day off is taken within the same pay period or as soon as possible in following pay periods that were worked on the holiday. All holiday hours must be used by the end of the fiscal year in which they were worked unless otherwise stated in a collective bargaining agreement.

- **Required to Work on a Holiday**


When an eligible non-exempt employee (see Policy 3-4) is required by management to work on a holiday or the day a holiday is observed, they shall be paid according to one of the two options outlined below at management's discretion.

- Receive the base rate for all hours worked on the holiday and bank the holiday benefit hours worked (up to the maximum of eight) to be usable at a later date; or
- Receive one- and one-half times the base rate for the hours worked on the holiday and receive holiday benefit hours paid at the base rate.

### **Scheduled Holidays for Employees on Shifts Longer Than 8 Hours**

For those employees who are on a shift longer than eight hours, holiday time will only be paid for eight hours. The hours over eight are accounted for by either working or taking vacation or compensatory leave.

An employee will be allowed to take a holiday on another day if the holiday falls on an employee's regular day off.

	<b>City of Helena</b> <b>Personnel Policy</b>	Policy number	4-4
		Original Adoption	02-09-1987
		Revision #	8
		Last revision date	July 2024
<b>Section Title</b>	<b>Hours of Work</b>		
<b>Subject</b>	<b>Time Reporting/Pay Periods</b>		

All employees are paid every two weeks for a total of 26 payments in a year.

Payments are made every other Friday for the preceding two weeks of employment.

Employees leaving the service of the city for any reason shall receive their final pay on the next regularly scheduled pay date following their separation from employment or 15 calendar days from the date of separation, whichever occurs first.


### **Time Reporting Procedures**

- Time reporting procedures are administered by Payroll.
- Employees are responsible for completing their time report and submitting it to their supervisors at the end of the pay period. Employees are required to accurately report their time prior to submission. If an employee fails to submit a time report by the scheduled deadline for processing, the employee will not receive payment until the pay period following proper submission. See §39-3-204 (3), MCA.
- Supervisors are responsible for certifying that each employee's time report is correct using the established review and approval process.
- Time reports must be submitted by the department to Payroll no later than 10:00 a.m. of the Monday following the last day of the pay period. Time reports may be due in Payroll earlier because of holidays or other special circumstances. Time report corrections and adjustments must be communicated to Payroll no later than 5:00 p.m. of the Monday following the last day of the pay period.
- All leave requests, overtime and compensatory time records and any other special information relating to the time reporting period shall be maintained in the department.
- Any changes to the time report forms must be reviewed and resubmitted by both the supervisor and the employee.

### **Corrected/Reissued Payroll Checks**

- If an employee requests a corrected/reissued payroll check for any reason, each instance will be evaluated at the time, considering the amount of the error, effect on the employee, and/or the time needed to correct the error and issue a new check.
- In all instances, corrections will be made by the following pay period or in the next pay period as soon as possible after becoming aware of the correction.




	<b>City of Helena</b> <b>Personnel Policy</b>	Policy number	4-5
		Original Adoption	02-09-1987
		Revision #	5
		Last revision date	
<b>Section Title</b>	<b>Hours of Work</b>		
<b>Subject</b>	<b>Relationship of Personnel Policies to the Fair Labor Standards Act</b>		

All employees are considered "non-exempt" under the Fair Labor Standards Act unless they are "exempt or non-covered" as determined by the Human Resource Office.

Not all employees of state and local governments are affected by the Fair Labor Standards Act (FLSA). Certain employees simply are not covered by the Act (i.e., non-covered employees). Other employees, while covered by the FLSA, are exempted by specific provisions of the Act (i.e., exempt employees). "Exempt or non-covered employees" are exempt from minimum wage and overtime pay provisions, must be paid on a salary basis, and perform duties that are executive, administrative, computer-related, or professional as defined by the FLSA. The Human Resources Office conducts an analysis of each position's primary duties and responsibilities to determine whether the position qualifies for exempt status as defined in the applicable FLSA tests, 29 C.F.R. Part 541.

Non-covered employees include elected officials and their personal staffs, policy-making appointees, legal advisors, legislative employees, bona fide volunteers, independent contractors, prisoners, and certain trainees.

Any questions regarding the FLSA status of a position should be referred to the Human Resources Office.

	<b>City of Helena</b> <b>Personnel Policy</b>	Policy number	4-6
		Original Adoption	January 2024
		Revision #	1
		Last revision date	
<b>Section Title</b>	<b>Hours of Work</b>		
<b>Subject</b>	<b>Exempt Employee Leave and Pay Deductions</b>		


The City of Helena is committed to paying employees what they are entitled to be paid in accordance with state and federal law. This policy established the criteria governing how deductions may be made from the salary of an employee in a position identified as exempt from the Fair Labor Standards Act and Montana's wage and hour laws.

For any workweek that an exempt employee works less than forty (40) hours, the employee must record vacation, sick, compensatory time or any other paid leave for supervisory approval in the time keeping system.

Subject to permissible deductions provided below, an exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked.

- Deductions from pay are permissible when an employee in an exempt position.  
Reference [Title 29, CFR, Chapter V, Part 541.602](#).
  - starts or ends employment with the City of Helena on a day in the middle of the workweek.
  - takes unpaid leave under the Family and Medical Leave Act (FMLA).
  - is absent from work for one or more full days for illness, disability, or personal reasons other than sickness or disability.
  - is absent from work for illness or disability if the deduction is made in accordance with the sick leave policy or Montana workers' compensation law.
  - has penalties imposed for infractions of safety rules of major significance; or
  - receives an unpaid disciplinary suspension of one or more full days imposed in good faith for workplace conduct infractions.
  - Deductions from the pay of an employee for absences resulting from a budget-required furlough disqualify the employee from being paid on a salary basis only in the workweek when the furlough occurs, and which the employee's pay is accordingly reduced.

Employees that desire to contest the deduction of pay may file a grievance in accordance with City of Helena Policies as described in the Grievance section.

	<b>City of Helena</b> <b>Personnel Policy</b>	Policy number	7-1
		Original Adoption	02-09-1987
		Revision #	10
		Last revision date	
<b>Section Title</b>	<b>Employee Development</b>		
<b>Subject</b>	<b>Performance Evaluations</b>		

Except for elected officials, performance evaluations will be conducted on every full-time and part-time employee in a regular position. The purpose of the evaluation is to maintain and encourage improved performance, to recognize outstanding performance, and ensure the employee meets the performance requirements of their position. Performance evaluations shall be considered in disciplinary actions, as applicable.

### **Performance Evaluation Rating Criteria**

Performance evaluations should be based on job descriptions and specific established goals and timetables. Rating criteria are included in all performance evaluation templates. The number and specific criteria in an evaluation may vary by the type of job.

Supervisors should review items that employees will be evaluated on with new employees when they begin working for the City as part of the onboarding process.

### **Evaluation Process**

#### **A. Evaluation Period:**

Typically, the City of Helena's performance evaluation period is from the date of hire through each succeeding anniversary date. The evaluation period will change based on an employee's promotion, transfer or demotion into a new position or departmental needs such as changes in an employee's shift and supervisor.

Employees must receive evaluations at a minimum of every 12 months. However, performance evaluations must be completed as often as deemed necessary in order to meet the departmental objective of providing ongoing feedback regarding an employee's performance.

#### **B. Evaluation Period for Employees:**

1. six months from date of hire, promotion, transfer or demotion and
2. one year from date of hire, promotion, transfer or demotion, then
3. annually every anniversary date thereafter, or
4. timetables as departmental policies and procedures dictate.

#### **C. Evaluation Procedures:**

1. Inform the employees of the duties and responsibilities to be assessed along with measurable goals and specific timelines for goal achievement.
2. Written comments are required to be included in the evaluation form to explain all ratings given. Supervisors are encouraged to attach statements to the evaluation form if there is not enough space on the form for appropriate comments.
3. A minimum of two development goals are strongly encouraged for all evaluations regardless of the employee's ratings. All ratings given, that are less than "Meets Expectations," require a development goal.
4. Sign the evaluation and email to the next reviewer, department head, and finally, Human Resources for review and approval prior to the evaluation being given to the

employee.

5. To approve the evaluation, the next reviewer, department head, and Human Resources will review, add additional comments if necessary, and sign the evaluation.
6. The evaluation will be returned to the supervisor after all required approvals have been completed. The supervisor will then meet with the employee to deliver the evaluation.
7. Provide employees with the opportunity to review ratings and supporting comments.
8. Advise employees of the right to submit a written response to be attached to the evaluation form.
9. Make a copy of the written evaluation and any comments available to the employee.
10. Send original signed evaluation form along with any employee comments to the Human Resources Office for filing in the employee's personnel file.

#### **Employee/Supervisor Review of Performance**

Performance evaluations will not be placed in an employee's file without first being reviewed and discussed with the employee. Evaluations must be signed by both the supervisor and the employee. All appropriate signatures should be on the form before being placed in employee's file.

If an employee refuses to sign the performance evaluation, a statement to that effect will be made in the space reserved for the employee's signature. The evaluation will be placed in the employee's file with that acknowledgment and without the employee's signature.

Employees may not grieve the content of a performance evaluation or the reviewer's comments. However, employees may make a written response to their performance evaluation. This will be filed in the employee's personnel file attached to their evaluation. If an employee chooses to submit a response, the employee must submit their comments within **10 working days** of the evaluation meeting with their supervisor.

#### **Records**

- A. A copy of the performance evaluation and rebuttal comments, if any, shall be retained in the employee's personnel file for a minimum of 3 years after the evaluation and for a minimum of 2 years after the last date it was used in an employment decision. The evaluation may be retained for a longer period at the City's discretion.
- B. Supervisors shall keep evaluation information confidential, except where necessary:
  - in work-related discussion with superiors;
  - in work-related discussion with prospective employers of the employee (must be authorized by the employee), general discussions with prospective employers are allowed. The actual ratings must not be discussed without the employee's written authorization.
  - when disclosure is required in administrative or court proceedings.

Any questions concerning the performance rating process should be addressed to the Human Resources Director.