



# Changes to Model Policies-2018

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# Model Policies

- ▶ MACo model Policies
  - ▶ In Portal to Members
  - ▶ Available to member counties

# Why Need Policies

- ▶ Road Map

- ▶ For employees and supervisors

- ▶ Discipline

- ▶ Contract

- ▶ WDA

# Living Document

- ▶ Only Valuable if reviewed and updated regularly
- ▶ Contract
  - ▶ Make sure terms of contract are what you want them to be

# Why Changed Now

- ▶ New case law, legislative changes, questions and comments from the Counties, clarifying existing language – these are just some of the reasons that updates to MACo's Model Handbook of Personnel Policies are necessary.

# Summary of Changes

- ▶ Added pregnancy and sexual orientation to the list of protected categories throughout.
- ▶ The Montana Human Rights Bureau, which enforces laws that prohibit employment discrimination in Montana, recognizes both of these categories as protected.

# Retaliation for filing Discrimination Complaint

- ▶ Expanded the retaliation section based on recently released guidance from the Equal Employment Opportunity Commission, the federal agency which enforces laws that prohibit employment discrimination.
- ▶ EEOC recommended separate policy

# Whistleblowers—new state law

- ▶ Added a new whistleblower section to assist the Counties in complying with House Bill 208, which provides that it is unlawful to retaliate against public whistleblowers.



# Veterans' Preference

- ▶ Clarified that the Veterans' Preference in retention during a reduction in force applies even if the Counties do not use a performance appraisal system.

# FMLA

- ▶ Made FMLA required policy—not optional
- ▶ MACo previously advised that if your County did not have at least 50 employees within 75 miles of the County seat, your employees were not eligible for FMLA and you should not include any reference to FMLA in your Handbook. We now believe all Counties should include an FMLA policy because whether your employees are eligible or not, the County is undisputedly covered by FMLA. All public agencies are covered regardless of the number of employees they employ.

# Public Speech and Social Media policy

- ▶ In recognition of the times and increased use of social media Added a public speech and social media policy in response to requests from several Counties.

# New Social Media Policy

- ▶ Social media is web-based technology that allows interactive dialogue and includes, but is not limited to, blogs, collaborative projects, content communities, and social networking sites.

Content contributed to social media by County employees may not:

Claim to represent the County; or

Include statements that are inappropriate because they are discriminatory, threaten violence, are obscene or otherwise disparage members of the public or co-workers.

An employee's online conduct that adversely affects their job performance, the performance of fellow employees or otherwise adversely affects the County's legitimate business interests may result in disciplinary action up to and including termination. All instances must be judged on a case-by-case basis.

Nothing in this policy should be construed as prohibiting an employee's right to engage in concerted activity or to discuss the terms and conditions of their work as permitted by the NLRA.

# Health Insurance

- ▶ Changed the health insurance section to require Counties to provide insurance for employees regularly scheduled to work at least 30 hours per week to comply with the Affordable Care Act.

# Discrimination Acknowledgment Form

- ▶ Added a discrimination policy acknowledgment form to the Appendix.
- ▶ Train your employees on the policy **BEFORE** they sign this form

# General

- ▶ General clean-up and clarification of the language in several sections, including Americans with Disabilities, Recruitment and Selection, Probationary Period, Employee Discipline, Grievance Filing Procedures, Driver's License Requirement, Worksite Breastfeeding, Sick Leave, Annual Leave, Holidays, Military Leave, Searches, Use of Scented Substances, Retirement, and Safety.



# New Model Policies

- ▶ Can be obtain by the County as
  - ▶ 1) a new document
- ▶ OR
- ▶ 2) redlined version to easily identify the changes to easily adapt to your current policies