As most of you probably already know, I am retiring after the first of the year. I have enjoyed working with the elected officials and employees of all Montana’s unique counties. The common thread that I have found in this work is the desire on the part of County Officials and employees to serve the public interest and to do the right thing in each situation. It has been an honor to work with all of you and I deeply appreciate having been able to do so.

During my time as MACo’s Personnel Services Administrator we have worked together on issues of incredible diversity, no two of which have been precisely alike. Because personnel issues in every case hinge on specific facts what follows is more in the nature of a red flag warning than specific advice. However, since the first step in avoiding a problem is to recognize that there may be a problem, I want to once again alert you to some potential problem areas.

1) **Misclassifying Employees.** Counties are subject to the Fair Labor Standards Act (FLSA) which requires that employees be compensated at one and a half times their regular rate of compensation for all hours in excess of 40 worked in any work week unless the employee meets the standards required for an exemption from the overtime requirements of the Act. To be exempt from the FLSA overtime requirements an employee must meet three tests: First; they must be compensated at a rate of at least $455 per week; Second, they must be compensated on salary basis which means that the employee’s compensation is dependent on the number of hours worked in a week; and Third, they must meet the duties test. If any one of these tests are not met then the employee is not exempt from the overtime requirement.

The common pit falls here are treating an employee as exempt because they are designated as “salaried” in budget or other documents. Even if you say you are paying the janitor a “salary” it is extremely unlikely that a janitor will meet the “duties” test for an exemption from the overtime requirements. Another common pit fall is classifying as exempt on an administrative or executive basis an employee who spends more than 20% of their work time on non-exempt duties. No matter what the employee’s title, it is the work they actually perform that determines whether or not the employee is actually exempt for the overtime requirement. If they spend more than 20% of their time serving customers, working on a piece of equipment or doing work that is otherwise not exempt then they cannot be treated as an exempt employee.

Continued on page 2...
Some Common Employment Pit Falls

By Michael W. Sehestedt, MACo General Counsel

Continued from front page...

Since there is a minimum two year “look back” period for failure to pay overtime when required and the possibility of penalties doubling the amount owed, misclassification of employees plus exposure to attorney fees for improperly classifying an employee as exempt when they are not can be a very expensive mistake.

2) Failure to require accurate time records for all time worked. Accurately recording the hours an employee works or is “suffered to work” is an employer responsibility. What is not always clear to employers is that permitting an employee to work and underreport hours worked can create a liability.

An example, a secretary or clerk in a county office is scheduled to work 8 AM to 5 PM with an hour off for lunch. If the employee eats their lunch at their desk from 12 to 1 and during their lunch period answers the phone or directs visitors, then that secretary or clerk has in fact worked, or been suffered to work, 9 hours and not 8 hours. If an employee does any work over his or her lunch hour that employee must be paid for the entire period. This is true even if the employee claims that eating at their desk is more convenient, that they don’t mind the interruptions and only reports 8 hours a day on their time sheet. The simple fact is that your agreement with the employee does not provide a defense for violation of the FLSA.

What you need to do is make sure either that the hours actually worked are reported and compensated or require the employee to leave their work station and insure that they have duty free period of at least 30 minutes for their lunch break in the above example.

3) Not starting the clock running on Family Medical Leave Act (FMLA) As governmental employers counties are subject to the FMLA and are required to permit qualified (employed for at least one year and worked at least 1,200 hours in the preceding 12 months) employees to take up to 12 weeks of unpaid leave for reasons that qualify for FMLA leave each year. While FMLA leave is unpaid, an employee has the right to have the employer’s share of their health insurance paid during the leave and they have a right to return to their job at the expiration of the leave. This means that not only do you have the obligation to pay health insurance premiums during the FMLA leave but you cannot fill the position on a permanent basis during the leave period.

This can become a problem when an employee goes out on a Workers’ Comp covered injury or an employee with a lot of leave on the books goes out for extended absence due to illness or injury. What is often overlooked is the fact that you can designate an absence as FMLA leave even if the employee is receiving a wage indemnity from Workers’ Compensation or is taking the time as paid leave.

By designating Workers’ Compensation or other illness or injury time off as FMLA leave you can limit your exposure to 12 weeks of health insurance premiums and you can position yourself to fill the vacant position much more quickly if the employee is not able to return after the mandatory 12 weeks of FMLA leave.

4) Failing to engage in the interactive process under the Americans with Disabilities Act (ADA). Counties are subject to the Americans with Disabilities Act and the ADA requires that employers reasonably accommodate employees with disabilities. While an employee is required to perform the essential functions of their job with or without a reasonable accommodation, before an employee can be terminated based on inability to perform an essential job function, the employer must meet, or at least offer to meet, with the employee to determine whether or not there is a reasonable accommodation that will allow the employee to perform the essential functions of their job. It is essential that the employer offer this option no matter how clear it may seem to the employer that no reasonable accommodation will be possible.

If there is no reasonable accommodation that will let the employee return to their original job, the employer needs to consider any other jobs that are currently available and determine whether or not the employee is otherwise qualified for the job. If the employee is otherwise qualified for an available job then you need to engage the interactive process and determine whether or not the employee can in fact perform the essential functions of the alternative position with or without a reasonable accommodation.

Continued on page 3...
If the employee can perform the essential functions of the alternative job, you are obligated to offer the position to the employee. This does not mean that you are required to create a job or position where none exists and you are not obligated to pay more for the alternative job than you would otherwise pay another county employee of equivalent time of service with the county transferring into the position.

5) **Failing to afford a non-probationary employee pre-termination due process.** Both United States Supreme Court and the Montana Supreme have held that a non-probationary public employee may not be terminated without pre-termination due process. While pre-termination due process does not need to be elaborate, it must occur before any non-probationary employee can be terminated.

I prefer to give the employee a written statement that tells the employee what facts we have, what policies have been violated, that we are considering termination and then give the employee a specific time within which they can respond before a final decision is made. You can also provide pre-termination by verbally summarizing your evidence, telling the employee you are considering termination and giving them an opportunity to respond.

I think that the taking time to reduce your thoughts and evidence to writing is important because it gives the employer a chance collect their thoughts, seek HR advice and avoid acting in the heat of moment. It also provides important documentation of the reasons for the termination. If you need the employee out of the workplace immediately you can suspend with pay while you get your ducks in a row and decide how to proceed.

You must, however, provide any non-probationary employee with pre-termination due process before you terminate them. Failure to afford a non-probationary employee pre-termination due process is a constitutional violation and may create liability no matter how strong your grounds for termination otherwise are.

6) **Maintain accurate and complete performance records.** If you have personnel policies that call for periodic performance appraisals, make sure that the performance appraisals are performed as called by your policies. Failure by employer to comply with the employer’s personnel policies may provide a basis for a Wrongful Discharge suit.

Performance appraisals need to accurately reflect the employee’s performance during the period covered by the appraisal. “Sugar Coating” bad performance is going to give the employee arguments that they would not otherwise have had if their performance is such that you decide to take performance based disciplinary action. If you have given an employee “excellent” ratings for attendance on their performance appraisal, then it going be hard to terminate them on the grounds of poor attendance, even if fully documented. Essentially none of their poor attendance during the period covered by the performance appraisal is going to useable against them since you have indicated that their attendance during this time period was “excellent.” Performance problems or deficiencies should be noted as they occur and the action that you took to call this problem or deficiency to the employee’s attention and correct the problem should also be noted. The approach is not building a case for termination, although it will certainly be useful for that purpose if the problems persist, but rather improving performance so that the public’s work is done well.

7) **Call before you dig.** For those counties that are members of the MACo Property and Casualty Pool call or email the MACo JPIA Personnel Services Administrator when you have an issue that you think may lead to termination or other disciplinary action. Helping you navigate the process is the reason this position exists. If you are going to take action, you want to be sure that the action is both effective in solving the problem and that the solution does not cost your county money or the time and disruption of responding to a lawsuit.
It’s time once again for the Annual New Year’s Resolutions reminders! This is to remind you of certain duties and requirements for Commissioners. The first Commission meeting of the year is a good time to adopt policies and set guidelines for the year.

**NOTE: Not all of these actions need to be done annually, but it is a good idea to review and update if needed and remind the public, the media, elected officials and employees, as appropriate.**

---

**Adopt a resolution setting commissioner meeting dates:** (7-5-2122, MCA)

1. The governing body of the county shall establish by resolution a regular meeting date and notify the public of that date.
2. The governing body of the county, except as may be otherwise required of them, may meet at the county seat of their respective counties at any time for the purpose of attending to county business. Commissioners may, by resolution and prior two days' posted public notice, designate another meeting time and place.

**Elect a Presiding Officer of the Board:** (7-4-2109, MCA)

The board of county commissioners must elect one of its members presiding officer. The presiding officer shall preside at all meetings of the board, and in case of the presiding officer's absence or inability to act, the members present shall select one of their number to act temporarily as presiding officer.

**Establish Office Hours:** (7-4-102, MCA)

1. Unless otherwise provided by law, each officer shall keep the officer's office open for the transaction of business during the office hours determined by the governing body by resolution after a public hearing and only if consented to by any affected elected county officer each day except Saturdays and legal holidays.
2. County and city treasurers may, in the interest of the safekeeping of funds, securities, and records under their control, close their offices during the period from noon to 1 p.m. every day.

**Courthouse Closures on Non-Legal Holidays**

MACo has been asked whether or not County Courthouses and County Offices may be closed on the day after Thanksgiving (or on Christmas Eve, New Year’s Eve, Good Friday or any other day not specified as a holiday). The short answer to the question is no for all of the line county offices headed by elected officials with the notable exception of the County Commissioner’s office.

County offices and operations not enumerated in 7-4-2211, for example the Commissioners’ office, county road department, solid waste, weed or health departments may be closed although employees in those departments may not be granted holiday pay or required to take leave for a closure on the Friday after Thanksgiving.

**NOTE:** As of the 2013 Legislative session, it is in statute that the Friday preceding one of the enumerated holidays is now a legal holiday for counties.


**Set and/or Modify Per Diem/Travel Rates**

It is recommended that counties adopt a resolution establishing mileage, lodging and per diem rates for business travel. For information on these rates, please refer to MCA §§2-18-501. Meals, lodging, and transportation of persons in state service; 2-18-502. Computation of meal allowance; and 2-18-503 Mileage – allowance.

*Continued on page 5...*
7-5-2145. Attendance at meetings and conventions by county officers and employees.

(1) Unless otherwise provided by law, a county officer or employee may not receive payment from any public funds for traveling expenses or other expenses of any sort for attendance at any convention, meeting, or other gathering of public officers except for attendance at a convention, meeting, or other gathering as the officer or employee may by virtue of the office find it necessary to attend.

(2) Any member of the board of county commissioners is allowed actual transportation expenses and per diem for attendance at any general meeting of county commissioners or assessors held within the state, and the proportionate expenses and charges against each county as a member of the association must also be paid.

(3) **NOTE** County attorneys, sheriffs, assessors, and justices of the peace may attend their respective meetings or conventions held within the state and are allowed actual traveling expenses for attending the meeting or convention of their peers.

(4) Any county officer paid on a per-day basis for performance of official duties is allowed the per-day rate of pay for attendance at any convention, meeting, or other gathering of public officers that the officer may by virtue of the office find it necessary to attend.

For information regarding the standard mileage rate, visit the Internal Revenue Service website at: www.irs.gov.

The state lodging rate is $83; high-cost areas include Big Sky/West Yellowstone - Gallatin County; Butte - Silver Bow County; Helena - Lewis & Clark County; Missoula - Missoula County; Polson - Lake County; Kalispell - Flathead County; Sidney - Richland County; and Glendive - Dawson County.

For more information, visit the General Administration Services Web site at www.gsa.gov.

Establish the rate of credit for incarceration: (46-18-403, MCA)

46-18-403. Credit for incarceration prior to conviction.

(1) A person incarcerated on a bailable offense against whom a judgment of imprisonment is rendered must be allowed credit for each day of incarceration prior to or after conviction, except that the time allowed as a credit may not exceed the term of the prison sentence rendered.

(2) A person incarcerated on a bailable offense who does not supply bail and against whom a fine is levied on conviction of the offense may be allowed a credit for each day of incarceration prior to conviction, except that the amount allowed or credited may not exceed the amount of the fine. The daily rate of credit for incarceration must be established annually by the board of county commissioners by resolution. The daily rate must be equal to the actual cost incurred by the detention facility for which the rate is established.

. . . & New Year’s Reminders

7-4-2105. Term of office.

(1) The term of office of county commissioners is 6 years unless otherwise provided for under a plan of government provided for in a county adopting an optional or alternative form of government. A county commissioner takes office at 12:01 a.m. on January 1 succeeding the date of the election at which the county commissioner was elected.

(2) A county commissioner elected to take office shall take the oath of office on or before the last business day of December following the commissioner’s election, except as provided for in 7-4-2106.

Continued on page 6...
7-4-2205. Term of office -- oath.
(1) Each person elected to an office named in 7-4-2203 holds the office for the term of 4 years and until a successor is elected and qualified.
(2) A person appointed to any of the different offices serves at the pleasure of the commissioners
(3) Each officer who is mentioned in this part and who is elected to office shall:
   (a) take the oath of office on or before the last business day of December following the officer's election; and
   (b) take office at 12:01 a.m. on January 1 following the officer's election.

7-4-2209. Authority to administer oaths.
Every officer mentioned in 7-4-2203 (1) may administer and certify oaths.

7-4-2203. County officers.
(1) There may be elected or appointed the following county officers, who shall possess the qualifications for suffrage prescribed by the Montana constitution and other qualifications as may be prescribed by law:
   (a) one county attorney;
   (b) one clerk of the district court;
   (c) one county clerk;
   (d) one sheriff;
   (e) one treasurer;
   (f) one auditor if authorized by 7-6-2401;
   (g) one county superintendent of schools;
   (h) one county surveyor;
   (i) one assessor;
   (j) one coroner;
   (k) one public administrator; and
   (l) at least one justice of the peace.

7-4-101. Filing of oath of office.
Every oath of office, certified by the officer before whom the same was taken, must be filed within the time required by law, except when otherwise specially provided, as follows:
(1) in the office of the secretary of state for all officers whose authority is not limited to any particular county;
(2) in the office of the clerk of the respective county for all elected or appointed officers for any county, all officers whose duties are local or whose residence in any particular county is prescribed by law, and the clerks of the district courts.

Appoint Commissioner Liaisons to County Boards
This is a good opportunity for you to appoint your representatives to County boards and commissions.

Establishment of County Classification no Longer Required
HB 212 in the 2011 Legislative Session eliminated county classifications and replaces references to county classifications with a taxable valuation amount or population.

Bond Inspection: (7-4-2213, MCA)
(1) At a regular meeting of the board of county commissioners in March and September of each year, the board of county commissioners shall carefully examine all official bonds of all county and township officials then in force and effect and investigate the qualifications and financial condition and liability of all sureties on the bonds and their sufficiency.
(2) If it appears to the satisfaction of the board or a majority of the members of the board that any surety upon any bond has, since the approval and acceptance of the bond, died or withdrawn, left the state, disposed of all of the surety’s property in this state, or become mentally ill, insolvent, financially embarrassed, or not good and responsible for the amount of the liability on the bond, the board shall immediately cause the clerk of the board to notify
in writing the judge of the district court of that district of its action and conclusion and all facts in connection with and the reasons for the action.

(3) The judge shall take notice of and investigate the matter and take steps, by order to show cause or other order, citation, step, or action, as may be necessary to make the bond good and sufficient according to the requirements of law and ample security for the amount of the bond.

It is recommended you note in your minutes that you've reviewed your bonds, and if applicable, found them to be covered within your insurance policies.

Board meeting minutes must be available within 21 days: 7-5-2123. Publication of board proceedings and annual financial statement.

(1) (a) The board of county commissioners has jurisdiction and power, under the limitations and restrictions prescribed by law, to publish in a newspaper at the adjournment of each session of the board, in full and complete detail or in summary form or by reference, with the full and complete text made available on request, a complete list of all claims ordered paid for all purposes, showing the name, purpose, and amount, and a fair summary of the minutes and records of all of its proceedings.

(b) The board may publish the county clerk's annual statement of the financial condition of the county, in full and complete detail or in summary form. If the board does not publish the annual statement in complete detail or in summary form, it shall publish a notice that the annual statement is available and will be provided upon request from the county clerk.

(2) Publication in full, in summary, or by reference of the minutes and records of proceedings must be made within 21 days after the adjournment of the session. Publication of the financial statement or notice of the availability of the financial statement must be made within 30 days after the presentation of the financial statement to the board. The board may not allow or order paid any claim for any publication of minutes and records of proceedings or annual financial statement unless the publication is made within the time prescribed in this subsection.

Use of Montana-made wooden materials in county road projects: (7-14-2142)
When the board of county commissioners authorizes a construction or reconstruction project on a county road, it shall require the use of Montana-made wooden guardrail posts, fence posts, and signposts when appropriate and when the cost of wooden materials is less than or equal to the cost of other materials.

Effective October 1, 2011 - Use of Montana-made wooden materials in wooden county bridge projects: (7-14-2407)
When the board of county commissioners authorizes a construction or reconstruction project for a wooden county bridge, it shall require the use of Montana-made wooden decking, guardrail posts, fence posts, and signposts when appropriate and when the cost of wooden materials is less than or equal to the cost of other materials.

MACo recommends that bid specifications state that Montana made wooden products must be used on road and bridge projects unless the cost is higher than other materials

Submission of financial reports to the Department of Administration and penalties for failure to comply:

2-7-503. Financial reports and audits of local government entities.
(1) The governing body or managing or executive officer of a local government entity, other than a school district or associated cooperative, shall ensure that a financial report is made every year. The financial report must cover the preceding fiscal year, be in a form prescribed by the department, and be completed and submitted to the department for review within 6 months of the end of the reporting period.

Continued on page 8....
2-7-517. Penalties -- rules to establish fine.
(1) When a local government entity has failed to file a report as required by 2-7-503(1) or to make the payment required by 2-7-514(2) within 60 days, the department may issue an order stopping payment of any state financial assistance to the local government entity or may charge a late payment penalty as adopted by rule. Upon receipt of the report or payment of the filing fee, all financial assistance that was withheld under this section must be released and paid to the local government entity.
(2) In addition to the penalty provided in subsection (1), if a local government entity has not filed the audits or reports pursuant to 2-7-503 within 180 days of the dates required by 2-7-503, the department shall notify the entity of the fine due to the department and shall provide public notice of the delinquent audits or reports.
(3) When a local government entity has failed to make payment as required by 2-7-516 within 60 days of receiving a bill for an audit, the department may issue an order stopping payment of any state financial aid to the local government entity. Upon payment for the audit, all financial aid that was withheld because of failure to make payment must be released and paid to the local government entity.
(4) The department may grant an extension to a local government entity for filing the audits and reports required under 2-7-503 or may waive the fines, fees, and other penalties imposed in this section if the local government entity shows good cause for the delinquency or demonstrates that the failure to comply with 2-7-503 was the result of circumstances beyond the entity's control.
(5) The department shall adopt rules establishing a fine, not to exceed $100, based on the cost of providing public notice under subsection (2), for failure to file audits or reports required by 2-7-503 in the timeframes required under that section.

Changes in Publication Notice Regarding Failure of the Newspaper to Publish the Second Notice:
(7-1-2121 M.C.A.)
If the newspaper fails to publish a second notice, the local government unit must be considered to have met the requirements of this section as long as the local government unit submitted the required information prior to the submission deadline and the notice was posted in three public places in the county that were designated by resolution and, if the county has an active website, was posted on the county's website at least 6 days prior to the hearing or other action for which notice was required.

As always, if you have any questions on these or any other matters, please don’t hesitate to contact us.

Montana Association of Counties
2715 Skyway Drive
Helena, MT 59602
(406) 449-4360
www.mtcounties.org

Harold Blattie, Executive Director
hblattie@mtcounties.org

Sheryl Wood, Associate Director
swood@mtcounties.org

Shantil Siaperas, Legislative Analyst & Communications Specialist
macoleg@mtcounties.org
The National Association of Counties (NACo) Releases 2014 U.S. Election Insight Analysis

*Details How the Election Could Impact County Priorities*

The 2014 midterm elections have shifted the political balance in Washington, and despite a handful of unresolved races still pending, Republicans are poised to control both chambers of Congress in 2015. NACo has broken down the election results and provided analysis to prepare county officials for the lame duck period and beyond.

In the coming weeks, Congress could tackle a number of issues that would impact counties including FY 2015 appropriations, Marketplace Fairness Act and the Internet Tax Freedom Act, tax extenders, and funding for the Payment in Lieu of Taxes (PILT) and Secure Rural Schools (SRS) programs.

Also learn how the new Congress could address important issues like tax and entitlement reform, transportation funding and reauthorization, and regulatory issues including the "Waters of the U.S." proposed rule.

The NACo Analysis Examines:
- How County Federal Legislative and Policy Priorities Could be Impacted by the Elections
- U.S. Senate Elections
- U.S. House of Representatives Elections
- Gubernatorial Elections
- State Legislature Races and State Ballot Initiatives
- Former County Officials in the 114th Congress
December 4, 2:00 PM - 3:15 PM EST  
(General Audience)

**NACo Community Dialogs to Improve County Health: Lessons Learned**

In 2014, NACo hosted Community Dialogues to Improve County Health in six counties across the country. These dialogues were one-day events that brought together cross-sector community stakeholders to address health improvement. The counties selected their focus areas and worked with NACo and the University of Wisconsin Population Health Institute to develop a day of dialogue. Join us to learn more about the Community Dialogues and what counties are doing to build a culture of health in their communities!

---

December 17, 2:00 PM - 3:15 PM EST  
(General Audience)

**Next Generation 911: Upgrading County Emergency Communications**

The popularity of landline telephones is dwindling, with more than 40 percent of households in the U.S. relying only on cellular phones. Over the last few decades, cell phones, VoIP and other methods of communications have become the preferred method of communication, especially among younger generations and those living in cities—nearly two-thirds of those 25-29 live in a wireless-only home. 911 technologies, however, have not kept up with the trend; though they can receive calls from cell phones and IP-based devices, call centers cannot locate where a call is coming from, and they cannot send and receive photos, text messages and videos. The seemingly ubiquitous use of cell phones in public means that a number of bystanders may call 911 after witnessing an emergency, which can overwhelm a call center. More and more counties are working to upgrade 911 call centers and infrastructure in order to become more resilient, and ensure they are capable of addressing new needs in emergency communication and response. This webinar will provide county leaders and emergency managers with the information and strategies they need to know to modernize their 911 capabilities.

---

**NACo on the Move**

NACo First Vice President Sallie Clark and Western Interstate Region (WIR) President Lesley Robinson represented NACo Nov. 7 on Voices of Montana, a statewide radio show. Among other items, the discussion included points about NACo, the Rural Action Caucus, WIR, the Keystone pipeline, midterm elections, and importance of bipartisanship.

Listen to Clarke and Robinson by accessing this article online at www.county.news.org

---

**Experienced Bond Counsel**

Dan Semmens  •  Erin McCrady  
Jeremy Brown  •  Courtney Ellis  •  Jack Manning

125 Bank Street, Suite 600  
Missoula, MT 59802-4407  
(406) 721-6025  
www.dorsey.com
Commissioner Profile

Jean Curtiss
Missoula County

Spouses name and time together: I have been Married to Brad Curtiss going on 43 years.

Children’s name and ages: Shane, 42; Pamela, 40; Kevin, 36 plus my wonderful daughter-in-law Sarah and three granddaughters - Addison, Lilly, and Macie, and two grand-cats.

Occupation and years at current occupation: Commissioner - 14 years

Profession before current occupation: Worked for Campfire Boys and Girls; Montana PTA and National PTA; owned and operated a Child Care Facility.

Education: Studied nursing at St. Patrick School of Nursing and University of Montana.

Biggest challenge you’ve ever faced: Running for office - the year - long job interview.

Two people, alive or not, you would like to have dinner with: Jeannette Rankin and Mike Mansfield

Surprising facts about you: I had a 4 year scholarship from the U.S. Army for nursing.

Most adventurous thing you’ve ever done: Snorkeling in Hawaii

Favorite TV show: “Downton Abbey”

A turning point in your life: Having kids and then grandkids

A book you have read twice (or more): “The Count of Monte Cristo” by Alexander Dumas

The job you wanted at age 18: To be a nurse

Favorite movie: “Overboard”

Person(s) who had the biggest influence on you/your life, and why: My Mother; She continues to be a great role model for getting involved and making a difference and dealing with the hand you are dealt in life.
Mixing household cleaning products is a health hazard

Mixing common household cleaning products can cause serious injuries. Be sure to always read the product labels before using household or institutional cleaning products.

In one of our county’s senior center, an employee mixed de-limer and bleach. The reaction caused hydrogen chloride vapors. The senior center had to be evacuated. Two of the employees had to be taken to the emergency room.

The employee should have looked at the Material Safety Data Sheet/Safety Data Sheet (MSDS/SDS) before mixing the de-limer with bleach. The Safety Data Sheet in the reactivity data section would reveal the conditions to avoid (mixing the de-limer with bleach).

What is chlorine bleach? Sodium hypochlorite is the active ingredient in chlorine bleach. It is found in household bleach and many other disinfectants. Sodium hypochlorite reacts with ammonia, drain cleaners, and other acids. Many household products state that they contain bleach on the label. Bleach should not be mixed with household cleaners.

Do not mix bleach and acids.

Do not use two drain cleaners together or one right after the other.

Ammonia:

Where are ammonia and acids found in the home or work place?

In addition to ammonia purchased as a cleaning product, ammonia may be found in the following:

- some glass and window cleaners
- urine (be careful if you clean cat litter boxes or use a diaper pail)
- some interior and exterior paints.

Acids:

Products containing acids include:

- vinegar
- some glass and window cleaners
- some automatic dishwasher detergents and rinses
- some toilet bowl cleaners
- some drain cleaners
- some lime, calcium and rust removal products
- some brick and concrete cleaners

What are the dangers of mixing these common cleaning products?

Mixing bleach and ammonia:

When bleach is mixed with ammonia, toxic gases called chloramines are produced. Exposure to chloramine gases can cause:

- coughing
- shortness of breath
- chest pain
- wheezing
- nausea
- watery eyes
- irritation to the throat, nose and eyes
- pneumonia and fluid in the lungs

Mixing bleach and acids:

When chlorine bleach is mixed with an acid, chlorine gas is given off. Chlorine gas and water combine to make hydrochloric and hypochlorous acids.

Chlorine gas exposure, even at low levels, almost always irritates the mucous membranes (eyes, throat, and nose), and causes coughing and breathing problems, burning and watery
eyes, and a runny nose. Higher levels of exposure can cause chest pain, more severe breathing difficulties, vomiting, pneumonia, and fluid in the lungs. Very high levels can cause death. Chlorine can be absorbed through the skin, resulting in pain, inflammation, swelling, and blistering.

Hydrochloric acid also causes burns to the skin, eyes, nose, throat, mouth, and lungs.

Mixing bleach and other cleaning products:

Bleach also reacts with some oven cleaners, hydrogen peroxide, and some insecticides.

Sometimes counties assume everyone knows the hazards of mixing bleach with other products. It does not happen frequently but at least once a year we have a county report an injury from mixing bleach with another product.
2015 Directory of Montana County Officials

COMING IN FEBRUARY
DOES IT MATTER WHERE YOU GET YOUR FLU SHOT?

By: Jaime Dalessio, Everyday Health Staff Writer  |  Contributions By: Chris Llodes, MD  |  everydayhealth.com

There was a time when almost everyone got a flu shot at the doctor’s office. Now there are more places to get vaccinated than ever before, according to Carol J. Baker, MD, FAAP, FIDSA, a profession of pediatrics, molecular virology, and microbiology at Baylor College in Medicine in Houston, Texas, and chair of the Childhood Influenza Immunization Coalition.

While Dr. Baker says young children should be vaccinated at their doctor’s office, the best location for you depends on your personal preference. Here are some popular places:

If you’re traditional...head to your doctor’s office. According to CDC statistics, the doctor’s office is still the most common place to get a flu shot.

If you’re spontaneous...stop by a local clinic or health center. While some clinics schedule appointments, you can generally walk in and get a flu shot without one.

If you like to multitask...get vaccinated at the pharmacy or supermarket. Shop for holiday gifts, pick up milk, and get a flu shot all in one stop. Now that all 50 states allow pharmacists to administer the influenza vaccine, Baker notes, getting a flu shot at pharmacies and supermarkets is becoming increasingly popular.

If you’re forgetful...sign up for a shot at work. Many employers organize flu shot days at the workplace.

If you like things fast...go to a drive-thru. Believe it or not, some health departments across the country offer drive-through flu shot clinics. “People can get their flu vaccine by just driving up and rolling down the driver’s seat window,” says Baker. “You don’t even have to leave the car.”

If you’re always traveling...get vaccinated at the airport. Stuck with a long layover? Put it to good use. You can get a flu shot at clinics or kiosks at airports in about a dozen U.S. airports, including Chicago, New York, Los Angeles, and Orlando.

To find out the best locations to get a flu shot in your town, go to Flu.gov.

DID YOU KNOW?

All MACoHCT medical plans cover flu shots and other CDC recommended vaccines at 100%.

If you get a flu shot at your doctor’s office or at a medical health clinic, the provider can submit the claim directly to the MACoHCT medical plan for payment. If you get a flu shot at a pharmacy or health fair, you will need to pay for the vaccine at the time of service and submit your receipt to MACoHCT Claim’s Department address on the back for your ID for 100% reimbursement. So don’t delay, get your flu shot right away.
creating a climate for economic prosperity

DIRECT TECHNICAL ASSISTANCE, FINANCING, ECONOMIC INFORMATION, & TRAINING FOR MT ENTREPRENEURS AND BUSINESSES
Andy Poole, Deputy Director, MT Department of Commerce
406.841.2707 | apoole@mt.gov | www.businessresources.mt.gov
Karyl Tobe, Assistant Division Administrator, Business Resources Division
406.841.2732 | karytt@mt.gov | www.businessresources.mt.gov

FINANCING FOR MT HOMEOWNERSHIP & RENTAL ASSISTANCE
Bruce Brensdal, Executive Director, Board of Housing
406.841.2840 | bbrensdal@mt.gov | www.housing.mt.gov

RESOURCES FOR MT ENERGY PROMOTION & DEVELOPMENT
Tom Kaiserski, Program Manager, Energy Promotion & Development Division
406.841.2030 | tkaiserski@mt.gov | www.commerce.mt.gov/energy

DIRECT TECHNICAL ASSISTANCE AND FINANCING FOR MT COMMUNITIES
Kelly A. Casillas, Administrator, Community Development Division
406.841.2770 | kcasillas@mt.gov | www.comdev.mt.gov

FINANCING FOR MT BUSINESS & LOCAL GOVERNMENT FINANCING
Louise Welsh, Bond Program Officer, Board of Investments, INTERCAP Loan Program
406.444.0891 | lwelsh@mt.gov | www.investmentmt.com/programs/intercap
Herb Kulow, Portfolio Manager, Board of Investments, In-State Loan Programs
406.444.1218 | hkulow@mt.gov | www.investmentmt.com/programs/instate

FINANCING & PROMOTION FOR MT TOURISM & FILM PRODUCTION
Jeri Duran, Administrator, Montana Office of Tourism
406.841.2870 | jdurant@mt.gov | www.travelmontana.mt.gov

FINANCING for MT HEALTHCARE FACILITIES
Michelle Barstad, Executive Director, Montana Facility Finance Authority
406.444.0259 | mbarstad@mt.gov | www.mtfacilityfinance.com

MEG O’LEARY, DIRECTOR
http://commerce.mt.gov
301 S. Park Ave. | P.O. Box 200501 | Helena, MT | 59620-0501 | Phone: 406.841.2700 | Fax: 406.841.2701

STEVE BULLOCK, GOVERNOR
Commerce@mt.gov
You arrive at your hotel and check in at the front desk. When checking in, you give the front desk your credit card (for all the charges for your room). You get to your room and settle in.

Someone calls the front desk and asked for; example Room 620 (which happens to be your room).

---

**Afterthoughts and Regrets**

*By, Richard M. Terlecki, CPCU, ARM, ARe*

*Area Senior Vice President*

How often have you said or done something and then later, reflecting on your action, thought to yourself, "How could I have done that?"

Here are some afterthoughts which, unfortunately, too many of us have experienced:

- "That's how we've always done it before." (... before the accident occurred, anyway.)
- "I never thought that a little bolt dropped from that distance would cause so much bleeding." (I should have worn a hard hat, I guess.)
- "If I had taken that first aid/CPR course, I probably could have helped him." (... and chances are, he would still be here.)
- "I should have taken care of that board with the projecting rusty nails earlier." (Now, I have to take off work to get a tetanus shot.)
- "Wow, I never realized that a fire could get out of control so fast." (If I'd called the fire department before trying to put it out myself, I might still have a place to work tomorrow.)
- "I know they were always preaching that we should lift with the leg muscles instead of the back muscles." *(What the heck is a herniated disk?)*
- "For few more dollars, I could have bought safety shoes." *(That deep cut in the toe section ruined my new work boots, and this broken toe still hurts.)*

---

We are a leader in providing Risk Management solutions to Public Entity and Scholastic organizations. We provide:

- **First Dollar or Deductible Programs**
- **Pools, Captives, or Risk Retention Groups**

Large or small, we'll be your partner in providing Risk Management services for your Public Entity.

Please contact Richard Terlecki or Mary Albee at (800) 524-0191 for more information.
Afterthoughts and Regrets

Continued from page 17...

• "My safety glasses were in the tool box, but I was just going to grind off this one little piece." (I wonder if they’ll still let me drive with only one eye?)

Any of this sound familiar? They say hindsight is the only perfect science, but foresight could have avoided these incidents, misfortunes and regrets.

Let us all have no regrets!
## 2015 Legal Holidays

<table>
<thead>
<tr>
<th>Holidays</th>
<th>Observed</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year’s Day</td>
<td>Thursday, January 1</td>
</tr>
<tr>
<td>Martin Luther King Jr. Day</td>
<td>Monday, January 19</td>
</tr>
<tr>
<td>Presidents’ Day</td>
<td>Monday, February 16</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Monday, May 25</td>
</tr>
<tr>
<td>Independence Day (Observed)</td>
<td>Friday, July 3</td>
</tr>
<tr>
<td>Labor Day</td>
<td>Monday, September 7</td>
</tr>
<tr>
<td>Columbus Day</td>
<td>Monday, October 12</td>
</tr>
<tr>
<td>Veterans' Day</td>
<td>Wednesday, November 11</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>Thursday, November 26</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>Friday, December 25</td>
</tr>
</tbody>
</table>

The staff at MACo would like to wish you all Happy Holidays and a very Happy and Healthy New Year.

We are thankful for all of your support and look forward to a rewarding and successful 2015!
Big Horn County

Last month the Board of Commissioners hired Interim County Attorney Lance Pedersen as their on-staff legal counsel to account for changes in the management of Big Horn County government over the past several years.

The creation of this new position is intended to reduce the workload for the newly elected county attorney and ensure the board has consistent access to legal counsel.

The initial change started with the development of a Human Resource Office in 2006, followed in 2011 with the hiring of an election administrator, and an accountant in 2013.

These professional positions, unlike elected officials, are accountable to the county commissioners, and can be disciplined or discharged if necessary.

As an on-staff legal counsel, Pedersen will develop policies to address claims similar to the recent personnel issues and liability claims that the county has had to defend, as well as work with projects including the developing airport west of Hardin.

The process for hiring legal counsel for the board started in June, through the preliminary budget process. The board decided to eliminate funding for one of three attorneys in the county attorney’s FY 2014-2015 budget and create the position of on-staff legal counsel.

The board conducted an internal recruitment to fill the legal counsel position with two applications received and two interviews completed.

Commissioners felt an attorney with extensive local government background would be essential.

The board decided that Pedersen had the most extensive legal experience and knowledge of all facets of county government. They also indicated their previous seven months of work with Pedersen would offer a sense of continuity to the position.

Carbon County

Shawn Mains is Carbon County’s new Road and Bridge Superintendent.

Mains said he wants to “carry on the good service and be more efficient.” He acknowledges he will face a new set of challenges but has a “good group of guys” with him who “do good work in all the districts.”

Mains is in charge of 15 employees from Red Lodge, Bridger and Joliet.

Mains used to work for the State, snowplowing the Beartooth Highway. A job he did for 14 years.

Gallatin County

The Montana Transportation Commission reduced the speed on the Frontage Road between Belgrade and Bozeman to 50 mph. But the change is temporary until a new study is launched next spring, according to a Montana Department of Transportation official.

MDT spokeswoman Lori Ryan said the commission was swayed to reduce the speed from 60 mph due to residents’ group and a recommendation from the Gallatin County Commission. The reduction was granted even though MDT traffic engineers suggested leaving the speed at 60 mph due to traffic study results.

Citizens for a Safer Bozeman and Gallatin County spokesperson Marilee Brown said the group has been working since 2001 to get the speed lowered on the Frontage Road.

“We don’t know whose lives we just saved, but no question -we just saved some,” she wrote in an email.

Gallatin County Commissioners suggested reducing the speed one-eighth mile before and after the intersection with Valley Center Spur, according to county records. The Transportation Commission decided to extend the area from 7th Street in Bozeman to the Bozeman Yellowstone International Airport entrance, Ryan said, to avoid “an accor-dion effect” on the roadway.

The reduction will be in place until April 2015 when the agency will conduct another traffic study, Ryan said. MDT officials want to study the area once the East Belgrade Interstate 90 interchange is complete to what, if any, type of effect the project will have on traffic in the area.

Also delayed until spring is MDT’s plan to eliminate left-hand turns onto the Frontage Road from Valley Center Spur, Ryan said. The agency wanted to install barriers to prevent motorists from heading west from the popular short cut.

Again, Brown and the safety group were in favor of the delay. The group speculated that preventing left-hand turns would force traffic to conduct U-turns near Nelson Road to head west.

County Sheriff Brian Gootkin said he attended the meeting after speaking with Brown. Gootkin said he didn’t have a formal opinion on the
speed limit, but wanted to shy away from multiple speed limits. He also spoke against barring left-hand turns saying doing so would "create more problems."

**Ravalli County**

The Montana Department of Transportation is proposing two projects for Highway 93 between Darby and Hamilton.

No new right-of-way or utility relocations will be needed for either project and public comments are welcome.

The first project is a five-mile resurfacing project in the Charles Heights area.

According to information office Lori Ryan, the proposed project includes "micro surfacing (thin lift asphalt overlay), a deck seal of the Bitterroot River bridge at reference post 43.7, highly reflective pavement markings and shoulder rumble strips."

"The purpose of the project is to enhance the safety of the highway, and take a cost-effective action to preserve and maintain the existing pavement," said Ryan.

The second project is to resurface ("chip seal") about 2.3 miles of Highway 93 approximately 0.7 miles south of Hamilton.

"The purpose of the project is to enhance the safety of the highway and take a cost-effective action to preserve and maintain the existing pavement," said Ryan. "Safety improvements will include increased skid resistance upon the highway surface and highly reflective pavement marking."

There will be single lane closures during working hours for both projects.

Depending on funding and completion of project development activities, the projects may occur in 2015.

**Richland County**

A group of local stakeholders have big plans in store for Richland County as it works to drum up support for a 30-plus acre, multi-million dollar recreation and business complex planned for the north side of Sidney.

The preliminary plans for the Richland Community Complex feature an assortment of multi-use facilities, outdoor sports fields, and combination of both public facilities like a library and private businesses, all centered around an indoor sports stadium designed to hold thousands.

The idea for the complex emerged from public input received over the years by the Active Richland County committee, said Lisa Gorder, project coordinator.

Current plans for the two-story complex include spaces for a three-court basketball arena, swimming pool, eight-room daycare, a private gymastics facility, library, an auditorium with stadium seating and stage, an expansive multi-purpose room, conference rooms and running track.

"This will all change, I'm sure, as we all sit down and talk. We want to have some community meetings and real hands-on type input from a lot of people," Gorder said.

A series of public input meetings scheduled for the weeks and months to come will further gauge community thoughts on the project and help define fundraising goals.

"We are going to pursue grants and fundraise locally. The we want to have some community meetings and real hands-on type input from a lot of people," Gorder said.

A series of public input meetings scheduled for the weeks and months to come will further gauge community thoughts on the project and help define fundraising goals.

"We are going to pursue grants and fundraise locally. The we will hopefully have some kind of idea of the level of community support we have. We're really looking for feedback. The more feedback we get, the better. The we will know exactly where we can go from here," she said.
December 8 - 9 2014 Study Commissioner Training - MSU Local Government Center at MSU Bozeman

January 2015
5 64th Legislative Session Convenes

February 2015
9 - 12 MACo Midwinter Conference - Helena Conference Room

MACo STAFF
Harold Blattie, Executive Director
Sheryl Wood, Associate Director
Kathy Johnson, Finance Director
Sara McGowan, Accounting Technician
Karen Houston, Meeting Planner
Shantil Siapara, Legislative Analyst & Communications Specialist
Sharon Wilson, Administrative Assistant
Greg Jackson, JPJA/JPA Trust Administrator
Shannon Shanholzer, JPJA/JPA Associate Trust Administrator
Emelia McEwen, Sr. Loss Control Specialist
Jim Muskovich, Loss Control Specialist
Bonnie Knopf, Claims Data Specialist
Mike Sehestedt, General Counsel
Carol Knight, Legal Assistant
Dennis Jupka, Claims Administrator
Wendy Sesselman, Workers’ Comp Claims Supervisor
Christine Holling, Senior Claims Rep.
Liz Krzan, Senior Claims Rep.
Debbie Bjerke, Claims Support Specialist
Alyce Bailey, HCT Administrator
Laurie Goltry, HCT Program Coordinator
Pam Walling, HCT Marketing Coordinator
Shelley Murphy, HCT Marketing Coordinator
Tom Beneventi, Facilities Director

ASSOCIATE MEMBERS
Diamond Member
Arthur Gallagher

Silver Members
Nationwide Retirement Solutions
NorthWestern Energy
Apollo Solutions Group

Bronze Members
AT & T
Morrison-Maierle
Ameresco, Inc.
Montana Correctional Enterprises
WGM Group

Copper Member
MDU Resources Anderson ZurMuehlen & Company P.C.
MT Newspaper Association

AFFILIATE MEMBER
Montana Association of County Road Supervisors (MACRS)

Thank you to our Members!
For information on how to become an Associate Member, visit our website at www.mtcounties.org or call 406-449-4360

2014 Directory of Montana County Officials
SOLD OUT
Stay tuned for the 2015 Directories
Coming in February

MACo NEWS
Ph: 449-4360 Fax: 442-5238
maco@mtcounties.org