



# Montana Department of LABOR & INDUSTRY

## Employee Handbook: Sample Policies

*This selection of sample policies is for general information only – it is not intended as legal advice. Neither the State of Montana nor its employees make any express or implicit warranty regarding the sufficiency, accuracy or completeness of the enclosed material. We encourage employers to obtain independent legal review before implementing any written policies.*

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## Should I or Shouldn't I?

Employers often wonder whether they should have an employee handbook. If you decide to have an employee handbook:

- The policies should be reviewed by your attorney before implementing.
- Any Employee Handbook should be reviewed and updated on a regular basis based on revisions to actual practice, business needs and changes in employment law. Employees should be notified in writing prior to making changes to any policies.
- You and your supervisors should know, understand and follow the policies in your employee handbook. One of the elements of a wrongful discharge is failure by employers to follow their own written policies, as outlined in their Employee Handbook.
- All employees should be given a copy of the handbook with instructions to read the handbook and ask for clarification, if needed.

Consistency in following your own policies is very important to protect your business against allegations of discrimination or wrongful discharge. If you don't follow your own written policies, you are probably better off not having an employee handbook. However, keep in mind even without a handbook, your employees can still file wrongful discharge and/or human rights complaints, if they perceive they are being treated unfairly and inconsistently.

A well-written handbook can create a positive image for your business and can be useful as a consistent tool for informing employees about your philosophies, expectations, policies and procedures. In some cases, not communicating this information leads to confusion and hard feelings among your employees.

If you decide to use an employee handbook, seek legal advice from an attorney before finalizing your handbook. You don't want a document that will tie your hands or weaken a court case because of wording. Reading a handbook can instill a sense of pride, trust and fairness or it can instill a sense of suspicion, and threats. Employees who feel they are treated fairly are more likely to be motivated and loyal. A threatening tone can "undo" any good you are trying to achieve.

**Contributors include:** Human Rights Bureau ([erd.dli.mt.gov/human-rights](http://erd.dli.mt.gov/human-rights)) and Montana Safety Culture Act ([erd.dli.mt.gov/safety-health/safety-culture-act](http://erd.dli.mt.gov/safety-health/safety-culture-act))

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## Introductory Statement

### Sample A

This handbook was developed to describe some of the expectations we have for all of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, as it will answer many questions about employment with [Organization Name].

### Sample B

This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with us. However, this handbook cannot anticipate every situation or answer every question about employment. It is not an employment contract and is not intended to create contractual obligations of any kind. In order to retain necessary flexibility in the administration of policies and procedures, only the [Owner/supervisor] has the power to change, revise, or eliminate any of the policies and/or benefits described in this handbook. Employees will be notified of such changes to the handbook as they occur.

### Sample C

I welcome you to [Organization Name] and wish you every success here. This handbook was developed to describe some of the expectations we have for all of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with [Organization Name]. We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

[Signature of owner]



## Initial Employment Period/Probationary Period

### Sample A

Newly hired employees are in a probationary period for 6 months from the date of hire. This is a period during which both the employee and the employer can evaluate whether the employment relationship will meet both of their needs. At any time during the probationary period either party may terminate the employment relationship, with or without cause.

### Sample B

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. [Organization Name] uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or [Organization Name] may end the employment relationship at any time during the introductory period with or without cause or advance notice.

### Sample C

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. We use this period to evaluate employee capabilities, work habits, and overall performance. During the probationary period, the employment may be terminated for any reason that is not illegal or against written policy.

All new and rehired employees work on a probationary basis for the first 6 months after the date of hire. Any significant absence will automatically extend a probationary period by the length of the absence. If the [Owner/supervisor] determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period. Upon satisfactory completion of the probationary period or at the end of the first 6 months of employment, an employee who receives a successful performance appraisal will be notified by [Owner/supervisor] and assigned to "regular" employment classification.

## NOTE TO EMPLOYERS

*The Wrongful Discharge from Employment Act Montana Code Annotated (MCA) [39-2-901](#) is a law unique to Montana. It provides employers with a narrow window of "at-will" employment opportunities. "At-will" can be defined as the right of an employer to hire or fire for any reason that is not illegal or contrary to written policies. Only during the probationary period are employees working in Montana subject to discharge without "good cause." If the employer does not establish a specific probationary period at the time of hire, there is a probationary period of 6 months from the date of hire." Mont. Code Ann. § 39-2-904(2)(b). After the employee successfully completes his or her probationary period, the employee is protected by the "good cause" standard for termination.*



## Equal Employment Opportunity

### Sample A

[Organization Name] is committed to valuing diversity. We believe that all employees and applicants should be treated with dignity and respect. At [Organization Name] we do not discriminate in employment based upon race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, or political beliefs. Any applicant or current employee who believes that he or she has been subjected to discrimination based upon any of these factors should immediately contact our Human Resources Department (include contact information). You may also contact the Montana Human Rights Bureau and/or the federal Equal Employment Opportunity Commission for more information or to file a complaint. We will not retaliate against anyone for making or participating in a complaint of discrimination.

### Sample B

Our goal at [Organization Name] is to recruit, hire, and maintain a diverse workforce. Equal employment opportunity is good business. It is also the law. Equal opportunity applies to all aspects of employment, including recruitment, selection, hiring, training, transfer, promotion, termination, compensation, and benefits. As an equal opportunity employer, [Organization Name] does not discriminate in its employment decisions on the basis of race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, or political beliefs.

Furthermore, [Organization Name] will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship or a substantial safety health risk.

### NOTE TO EMPLOYERS

*Discrimination in employment is prohibited by the Montana Human Rights Act and the Governmental Code of Fair Practices. See Montana Code Annotated (MCA), [Title 49, Chapters 1-4](#). The law states only public employers must also protect persons based on their political belief. A private employer is not obligated to offer such protections under the Montana Human Rights Act.*

## Employee Workweek, Pay Periods, Paydays, and Time Records

### Sample A

For purposes of overtime, the employee workweek is 12:01 a.m. Sunday, through 12 midnight on Saturday. Business hours are generally Monday through Friday, 8 a.m. through 5 p.m. Pay periods run from the first day of the month through the 15th, and from the 16th through the last day of the month. Paydays are on the 5th and the 20th of each month. If payday falls on a Saturday, checks will be available on the previous Friday. If payday falls on a Sunday, checks will be available on the following Monday. Employees are responsible for maintaining an accurate time record of their hours worked. Time records shall be turned in no later than 10 a.m. on the 1st and the 16th of each month.

### Sample B

All nonexempt employees must clock in and out to record their daily hours worked [or fill out a daily time sheet]. The timecards [or time sheets] are used to compute earnings and are kept as a permanent record. Each employee is responsible for accurate clocking of his/her timecard [or filling out of his/her time sheet]. Clocking another employee's timecard in or out [falsifying or altering your own or another employee's time sheet] is a violation of policy and is grounds for termination.



Exempt employees are not required to record hours worked, except for billing purposes. Exempt employees must turn in a monthly calendar that records vacation days, sick days, and personal days [or PTO] taken during the month.

## Sample C

All nonexempt employees are required to use a time card to accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or authorized departure from work for personal reasons. Overtime work must always be approved by the [Owner/supervisor] before it is performed.

It is the employees' responsibility to sign their time card to certify the accuracy of all time recorded. The (Owner/supervisor) will review and then initial your time card before submitting it for payroll processing. No employee is allowed to falsify or in any way tamper with their own or another employee's time card records.

## NOTE TO EMPLOYERS

See *Montana Code Annotated (MCA)* [39-3-204](#) "Payment of wages generally".

## Payment of Wages at Termination

### Sample A

When an employee is separated from employment for cause or laid off by the [Organization Name], payment of final wages will be made on the employee's next regularly scheduled payday for the pay period or within 15 days from the separation, whichever occurs first.

### Sample B

Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation: Voluntary employment termination initiated by an employee.
- Discharge: Involuntary employment termination initiated by the organization.
- Layoff: Involuntary employment termination initiated by the organization for non-disciplinary reasons.

All the unpaid wages of the involuntary or voluntary terminated employee are due and payable on the next regular scheduled payday for the pay period or within 15 days from the separation or whichever occurs first.

We generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits or return of our property. Suggestions, complaints, and questions can also be voiced.

## NOTE TO EMPLOYERS

See *Montana Code Annotated (MCA)* [39-3-205](#) "Payment of wages when employee separated from employment prior to payday".



## Employee Discipline

### Sample A

[Organization Name] has the right to discipline, suspend, or discharge employees for good cause. Generally, a progressive system of discipline will be followed. However, the employer reserves the right to determine the appropriate action based on the seriousness of the offense, extenuating circumstances, and the past work history of the employee.

### Sample B

We expect our employees to follow our rules, policies, and instructions. If an employee violates any of our rules or policies, or fails to follow our instructions, there are a variety of disciplinary actions management may implement. The [Owner/supervisor] reserves the right to implement any of these actions, including starting with termination, as we see appropriate. The following describes options that may be used in the disciplinary process. Disciplinary action may call for any of four steps: verbal warning, written warning, suspension with or without pay, or termination of employment.

### NOTE TO EMPLOYERS

See Montana Code Annotated (MCA) [39-2-904](#) *Elements of wrongful discharge (1)(c)* "the employer violated the express provisions of its own written personnel policy."

## Safety In the Workplace

### Sample A

[Organization Name] is committed to providing a safe and productive workplace for the employees, and to develop awareness and appreciation of safe work practices. Employees are expected to work in a safe manner and observe safe working procedures. Employees shall report all unsafe conditions, inoperable equipment, or safety hazards to the [Owner/supervisor]. All incidents, accidents and injuries shall be reported immediately to the [owner/supervisor] and appropriate paperwork completed within 24 hours.

### Sample B

To assist in providing a safe and healthful work environment for employees, customers, and visitors, we have established a workplace safety program. The [Owner/supervisor] is responsible for implementing, administering, monitoring, and evaluating the safety program. However, safety depends on the alertness and personal commitment of all. We provide workplace safety training to all new employees or volunteers and periodically to all staff, as needed. This training covers workplace safety issues, such as health hazards, health issues, safe work practices, and procedures to help eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to bring them to the attention of the [Owner/supervisor]. Reports and concerns about workplace safety may be made anonymously, if the employee wishes. All reports may be made without fear of reprisal. All employees and volunteers are required to obey safety rules, follow established procedures, and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the [Owner/supervisor].



In the case of accidents that result in injury, or near misses, regardless of how insignificant the injury may appear, employees must immediately notify the [Owner/supervisor]. Such reports are necessary to prevent reoccurrence, comply with laws and initiate insurance and workers' compensation benefits procedures.

## Sample C

Employee recommendations to improve safety and health conditions will be given thorough consideration. It is the policy of [Organization Name] that employees report unsafe conditions and do not perform work tasks if the work is considered unsafe. Employees must report all accidents, injuries, near misses, and unsafe conditions to their supervisor. No such report may result in harm to others, and employees will be held accountable for not reporting such incidences. Management will promote and influence safe behavior by positive reinforcement of correct and safe work practices, and by disciplinary action for those who willfully or repeatedly work in an unsafe manner.

Management will participate in establishing and maintaining an effective safety program in accordance with the requirements of the Montana Safety Culture Act, to include at a minimum:

- Establishing, implementing and maintaining a safety and health educational training program.
- Providing job- or task-specific safety training appropriate for employees before they perform the job or task without direct supervision.
- Providing regular training to refresh safety practices.
- Developing awareness and appreciation of safety through tools such as newsletters, periodic safety meetings, posters and safety incentive programs.
- Providing periodic self-inspection for hazard assessment when the safety program is implemented, new worksites are established, and thereafter as appropriate to the business operations, but at least annually.
- Including documentation of performance of activities for at least three years.

This policy statement serves to express [Organization Name] commitment to and involvement in providing our employees a safe and healthy workplace.

## NOTE TO EMPLOYERS

*The Montana Safety Culture Act is found at Montana Code Annotated (MCA) [39-71-1501](#), et seq. If you are interested in developing a formal safety plan for your business, you will find guidance at the Department of Labor and Industry, Safety Resources website at [erd.dli.mt.gov/safetyhealth/programs](http://erd.dli.mt.gov/safetyhealth/programs).*





## Tobacco Use

### Sample A

Employees are to confine the use of tobacco products, including but not limited to cigarettes, cigars, pipes, and smokeless tobacco, to designated smoking areas only. Appropriate signage will be placed in these designated areas advising employees and visitors that tobacco usage is permitted only in these areas. This policy relates to all work areas at all times, including before and after normal working hours.

### Sample B

The use of tobacco products including but not limited to cigarettes, cigars, pipes, and smokeless tobacco is prohibited inside any of the organization's facilities or vehicles. The use of tobacco products will be allowed in company-designated areas outside any facility. Appropriate signage will be placed at entrances to all buildings advising employees and visitors that [Organization Name] maintains a tobacco-free environment. The management of each facility will designate areas outside the building where the use of tobacco products will be allowed. This policy relates to all work areas at all times, including before and after normal working hours.

### Sample C

[Organization Name] is a tobacco free workplace. Tobacco is prohibited in any [Organization Name] facilities or vehicles.

## NOTE TO EMPLOYERS

The [Montana Clean Indoor Air Act](#) at 50-40-101, et seq., MCA, requires all enclosed public places and workplaces to be smokefree and it requires businesses to prominently place smokefree signs on all public entrances. Posters are available through the Department of Public Health & Human Services.

## Use of Drugs and Alcohol

### Sample A

[Organization Name] provides a safe and productive work environment for all employees. It is the policy of the [Organization Name] that employees shall not be involved with the unlawful use, possession, sale, or transfer of drugs or narcotics in any manner that may impair their ability to perform assigned duties or otherwise adversely affect the [Organization Name] business. Further, employees shall not possess alcoholic beverages in the workplace or consume alcoholic beverages during work time. If we are to continue to fulfill our responsibility to provide reliable and safe service to our customers and a safe work environment for our employees, employees must be physically and mentally fit to perform their duties safely and efficiently.

### Sample B

We want to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner. While on our premises and while conducting business-related activities off our premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger any person in the workplace. Violations of this policy may



have legal consequences. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with the [Owner/supervisor] without fear of reprisal.

## NOTE TO EMPLOYERS

*Montana's Workforce Drug and Alcohol Testing Act Montana Code Annotated (MCA [39-2-205](#) et seq.) outlines the parameters for an employment-based drug and alcohol testing program. For additional information see An Employer's Guide to Drug Testing in Montana at [wsd.dli.mt.gov/service/drugmanual.asp](http://wsd.dli.mt.gov/service/drugmanual.asp) or the Department of Public Health and Human Services frequently asked questions at [dphhs.mt.gov/marijuana/mmpfaq.aspx](http://dphhs.mt.gov/marijuana/mmpfaq.aspx).*

## Sexual Harassment

### Sample A

It is the policy of [Organization Name] to provide a work environment free from sexual harassment of employees, customers, clients and any other persons. At [Organization Name], we prohibit unwelcome sexual conduct that unreasonably interferes with an employee's job performance or creates an intimidating, hostile or offensive working environment. This includes displaying sexually suggestive emails, objects, pictures, cartoons or posters. [Organization Name] prohibits verbal abuse of a sexual nature, sexually oriented jokes, innuendoes, or obscenities. Sexual conduct sought in return for job benefits or opportunities, such as the threatened loss of a job for failing to comply with a supervisor's sexual demands is considered discrimination. This may include situations that began as mutual attractions, but later ceased to be reciprocal. Harassment not involving sexual activity or language is also discriminatory if it is pervasive and directed at employees because of their sex. For example, hazing an employee based on gender may well constitute discrimination.

To report an incident, employees should contact [owner, supervisor, HR professional]. Employees may also file a complaint with the Montana Human Rights Bureau and the federal Civil Rights Center at the addresses listing in the Grievance Procedure (*Sample B*).

## NOTE TO EMPLOYERS

*This policy was drafted by the Human Rights Bureau. The Montana Human Rights Act is found at Montana Code Annotated (MCA), [Title 49, Chapters 1-4](#).*



## Unlawful Harassment

### Sample A

[Organization Name's] policy is to provide employees with a work environment free of harassment. Harassment of employees, clients, customers, and any other persons doing business with [Organization Name] because of a person's race, color, national origin, age, physical or mental disability, marital status, religion, creed, or sex is prohibited.

Examples of other prohibited harassment include, but are not limited to: coercion of employees, clients, or customers in the participation or nonparticipation in religious activities; or ethnic slurs, repeated jokes, innuendoes, or other verbal or physical conduct because of a person's nationality, race, color, age, physical or mental disability, marital status, religion, creed or sex if these actions create an intimidating, hostile, or offensive working environment.

### NOTE TO EMPLOYERS

*This policy was drafted by the Human Rights Bureau. The Montana Human Rights Act is found at Montana Code Annotated (MCA), [Title 49, Chapters 1-4](#).*

## Grievance Procedure

### Sample A

If you have questions about your employment with us, we encourage you to bring it to the attention of the [Owner/supervisor]. This includes how you, your co-workers, or customers are treated. In order to correct any potential problems, we ask for the help of all of our employees to bring these issues to our attention. Any comments you bring forward will be given serious consideration and will remain confidential within the boundaries of the fact-finding process. In the event you do not feel comfortable in discussion with your supervisor or the Owner, we have outlined a formal grievance procedure as stated below.

To file a formal grievance we ask that you address your concerns in writing and be as specific as possible. Then present your written grievance to the [Owner/supervisor] within 20 calendar days of the date of the situation you are addressing or grieving. The [Owner/supervisor] will have 20 additional calendar days to respond to your formal grievance.

### Sample B

If you believe you have been subjected discrimination in violation of our policies, immediately report the incident to your [Owner/supervisor]. If your immediate supervisor is involved in the matter, inform your [immediate supervisor's supervisor, owner or Human Resource/EEO officer]. [Organization Name's] Equal Employment Officer will begin an investigation as soon as possible and make a factual report no later than 10 working days after receiving notice of the alleged violation. The investigation will include interviewing as many persons as possible that have knowledge of the matter and reviewing any relevant documents. Upon receipt of the complaint alleging harassment, [Owner/supervisor] will take all appropriate steps to prevent the alleged conduct from continuing pending completion of the investigation. [Owner/Supervisor] will determine the steps to be taken by balancing the rights of the alleged



victim, including the severity of the alleged conduct, and the rights of the alleged harasser. Within two working days of receiving the factual report, [Organization Name] will, in writing, inform the complainant, any other employees directly involved, and their immediate supervisor of the results of the investigation.

Otherwise, the results of the investigation will remain confidential and will be disseminated only to persons having a need or right to know. If the results of the investigation establish that there is insufficient evidence to find that a policy violation occurred, [Owner/supervisor] will inform all parties involved that the matter is concluded. If the results of the investigation establish that a policy violation occurred, [Organization Name] will take appropriate action, including, but not limited to, disciplinary measures pursuant to our disciplinary policy – which may include termination.

[Organization Name] will not retaliate against any employee for filing a discrimination grievance or for participating in any way in a grievance procedure. If, in addition to following the grievance procedures described above, employees may contact:

### **Montana Human Rights Bureau**

1625 11th Avenue, P.O. Box 1728  
Helena, Montana 59624-1728  
(406) 444-2884 or 1 (800) 542-0807

### **United States Equal Employment Opportunity Commission**

Washington, DC 20507  
1 (800) 669-4000 or [www.eeoc.gov](http://www.eeoc.gov)

## **NOTE TO EMPLOYERS**

*Sample B was drafted by the Human Rights Bureau. The Montana Human Rights Act is found at Montana Code Annotated (MCA), [Title 49, Chapters 1-4](#).*

## **Additional Policies to Consider**

- Employee Performance and Evaluations
- Employment Records
- Employment Reference Checks
- Computers, Internet and Electronic Mail
- Attendance and Punctuality
- Customer Relations
- Business Ethics and Conduct
- Hiring of Relatives
- Confidentiality and Proprietary Information
- Disability Accommodation
- Employee Benefit Programs
- Rest and Meal Periods
- Return of Company Property
- Progressive Discipline
- Visitors in the Workplace
- Cell Phone Usage
- Leaves of Absence
- Personal Appearance
- Workplace Etiquette
- Open Door
- Employee Conduct and Work Rules



## EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about [Organization Name] and I understand that I should consult with my Supervisor or the Executive Director regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only our [Executive Director/ Owner/ CEO/President/ Board of Directors] has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is not an employment contract and is not intended to create contractual obligations of any kind. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_