

MONTANA STATE UNIVERSITY

HUMAN RESOURCES POLICIES

Workplace Expectations: Public Employee Responsibilities

Subject: Human Resources

Policy: Public Employee Responsibilities

Revised:

Effective Date: TBD

Review Date: Three (3) years from Effective Date above.

Responsible Party: University Human Resources

Applicability: This policy applies to all employees.

1. INTRODUCTION AND PURPOSE

This policy outlines the important and sometimes unique responsibilities of university employees as employees of the state of Montana. “The holding of public . . . employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state.” [Section 2-2-103, MCA](#). All university employees are public employees who carry out their duties for the benefit of the public. As such, they are subject to certain statutes, policies, and directives related to their status as a public employee. This policy outlines the most significant of those responsibilities.

2. ETHICAL RESPONSIBILITIES

Employees are bound by the ethical standards set forth in state law (Sections [2-2-105](#), [2-2-121](#), and [2-2-201](#), MCA), as well as the conflict of interest policies of the [Board of Regents](#) and the [university](#).

3. PUBLIC RECORDS AND PUBLIC PARTICIPATION

Article II, Sections 8 and 9 of the Montana Constitution grants the public the right to have a “reasonable opportunity” for public participation in the operation of public entities and the right to examine documents or to observe the deliberations of all public bodies or agencies of state government, except when the demand of individual privacy clearly exceeds the merits of public disclosure. Article II, Section 10 recognizes the right of individual privacy which shall not

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be infringed without the showing of a compelling state interest. Information, including electronic information and email, prepared, owned, used, or retained by the university related to the transaction of official business and designated for retention is considered a public record.

Information generated in connection with the transaction of official university business by university employees that is not constitutionally protected or otherwise excepted by law, may be a public record that the public would have the right to examine. Section 2-6-1002 and 1003, MCA. The Montana University System has adopted Public Records Request Response Guidelines which the university uses when public record requests are made. Employees are obligated to maintain public records and retain such records in accordance with the Montana University System General Record Retention Schedule.

The university Public Participation Policy outlines the processes and procedures related to the public's participation in university decisions of significant interest to the public.

4. EMPLOYEE EMAIL

MUS-provided electronic mail (e-mail) systems are to be used by employees for their job-related activities. [BOR Policy 1303.3](#). Employees are strongly encouraged not to use the university email system for any purpose other than official university business. State law related to public records extends to private email systems if used for university business. In such cases, private email may be reviewed to obtain any public records. Emails that are determined to be public records will be subject to the [Record Retention Schedules](#) of the Montana University System. See, also, [Email Guidelines](#), Secretary of State website.

5. CAMPAIGNING AND POLITICAL ACTIVITY

As public employees, university employees may not engage in certain political and campaign activities. Public employees may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support or opposition to any political committee, the nomination or election of any person to public office, or passage of a ballot issue. [Section 2-2-121\(3\), MCA](#).

Montana law does not restrict the right of a public employee to express personal political beliefs at work or elsewhere, as long as public time, facilities, equipment, and supplies are not used. A public employee may engage in political activities outside of work and may give or use their title while doing so. See, [AG Opinions, Vol. 51, Op. No. 1](#).

University employees are also subject to [Commissioner's Directive on Political Activity of Public Employees](#).

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Workplace Expectations: Work Schedules

Subject: Human Resources

Policy: Work Schedules

Revised:

Effective Date: TBD

Review Date: Three (3) years from Effective Date above

Responsible Party: University Human Resources

Applicability: This policy applies to nonfaculty employees. Employees who are subject to a collective bargaining agreement (CBA) should consult the applicable [CBA](#).

1. INTRODUCTION AND PURPOSE

This policy addresses the work schedule requirements for employees eligible for and exempt from overtime.

2. WORK WEEK

The university's standard full-time workweek extends from 12:01 a.m. Sunday through midnight Saturday, normally consisting of five (5) consecutive days with eight (8) hours per day.

3. OFFICE HOURS

University offices must be open from 8 a.m. to 5 p.m. Monday through Friday at all times of the year, except for university holidays. See [Commissioner Directive](#) and [Section 2-16-117, MCA](#).

4. WORK SCHEDULE

Each department is responsible for setting the schedule of its employees to provide the necessary access for students, faculty, staff, and patrons of the university. The department will designate the number of hours per day, the starting and ending times each day, and the scheduled days during the standard workweek for each overtime eligible employee. The hours and days in an employee's schedule may vary or be changed to meet departmental and university needs, consistent with wage and hour laws and applicable [collective bargaining](#)

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[agreements](#). Certain [collective bargaining agreements](#) also require duty free rest and meal breaks for employees in the respective collective bargaining units.

5. EMPLOYEES IN OVERTIME ELIGIBLE POSITIONS

Employees in overtime eligible positions are expected to work the schedule assigned to them. No change in the schedule may occur without the permission of the employee's supervisor. Typically, employees are eligible for overtime for any hours worked in excess of forty (40) hours in the work week, although some [collective bargaining agreements](#) allow overtime pay for hours worked in excess of 8 hours per day. Supervisors may schedule hours in such a way as to avoid the need for overtime as long as it is consistent with state and federal law. Overtime pay will be paid to employees in overtime eligible positions as outlined in the Overtime and Compensatory Time policy (insert link).

6. EMPLOYEES IN OVERTIME EXEMPT POSITIONS

Employees who are exempt from the overtime provisions of federal and state wage and hour laws are expected to work the hours necessary to complete assignments as needed by the department. Full time employment typically requires a minimum of forty (40) hours per week, but more work may be necessary to complete assignments. A department may require exempt employees to maintain an assigned schedule to meet the needs of the department.

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Workplace Expectations: Classified Employee Probationary Period

Subject: Human Resources

Policy: Classified Employee Probationary Period

Revised:

Effective Date: TBD

Review Date:

Responsible Party: University Human Resources

Applicability: This policy applies to classified employees in permanent positions.

1. INTRODUCTION AND PURPOSE

All classified employees in permanent positions serve a probationary period during which the department determines whether an employee will be allowed to move to permanent status.

At any time during the probationary period, the supervisor, with approval of University Human Resources, may terminate the employment relationship without a showing of cause. Upon successful completion of the probationary period the employee attains continuing status and may not be terminated without cause. Temporary employees, short-term workers, and student workers are not eligible to attain continuing status and do not serve probationary periods.

2. LENGTH

The length of the probationary period for classified employees varies.

- a. For classified employees who are represented by a union, the probationary period is established in the applicable [Collective Bargaining Agreement](#).
- b. For union-exempt classified employees, the probationary period is the first six (6) months from the date of hire at Montana State University-Bozeman. Transfers within MSU-Bozeman do not initiate a new probationary period unless there is a change in the union status of the position.

Upon receipt of University Human Resources approval, the department may extend the probationary period, if appropriate, to provide additional time to evaluate the employee's abilities to perform the job assignments.

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3. EVALUATION

During the probationary period, the supervisor will observe and assess the employee's job performance and work methods. The supervisor should discuss the expectations of the position and the criteria that will be considered to determine whether the employee should be retained after the probationary period.

The supervisor should provide feedback to the new employee on employee's performance. Problems and deficiencies, as well as successes, should be reviewed with employees, with recommendations on how to improve.

Supervisors identifying problems and deficiencies and who are considering termination of a probationary employee shall contact University Human Resources for guidance before taking any action to terminate the employee.

4. TERMINATION

The employment of the probationary employee may be terminated without cause at any time prior to the end of the initial or extended probationary period. Prior to finalizing this decision, the decision will be discussed and approved by University Human Resources. Upon receipt of University Human Resources approval and prior to the end of the probationary period, the supervisor will provide written notification of probationary to the employee.

Procedures (insert link)

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Workplace Expectations: Relationships in the Workplace

Subject: Human Resources

Policy: Relationships in the Workplace

Revised:

Effective Date: TBD

Review Date: TBD

Responsible Party: University Human Resources and Office of Research Compliance

Applicability: This policy applies to all employees and governs the hiring of all employees, including temporary/hourly and student employees, and any selection of contractors or vendors, regardless of the funding source.

1. INTRODUCTION AND PURPOSE

The university strives to be a family-friendly workplace and is committed to maintaining an environment in which members of the university community can work together to further education, research, and service to the university community and the state. However, the university recognizes that the employment of, or contracting with, a family member may create a conflict of interest and raise concerns about favoritism or disparate treatment among the other employees.

The university recognizes that there may be compelling circumstances when such employment relationships are in the best interest of the university. This policy provides guidance for family and personal relationships, in the workplace.

2. DEFINITIONS

For purposes of this policy, the following definitions apply:

- a. **Family** includes:
 - i. A spouse, domestic partner, or fiancé(e);
 - ii. A child, grandchild, parent, grandparent, sibling, uncle or aunt, nephew or niece, cousin, or the spouse, domestic partner, or fiancé(e) of any such person;

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- iii. A person having a step-relationship described in (ii) above;
 - iv. A parent-in-law or a brother- or sister-in-law;
 - v. Any other person who resides in the same household as the Employee; or
 - vi. Any other person as to whom it would reasonably appear that the Employee has a relationship involving an interest in such person comparable to the preceding.
- b. **Favoritism** is making decisions regarding hiring, selection, promotion, wages, hours, or other conditions of employment on relationship rather than on objective standards and the needs of the university.
 - c. **Partner** includes a person who has a business or personal relationship with the employee.
 - d. **Work unit** includes any subunit of a department or any office in which the family member or partner may be required to interact with one another on a regular basis.

3. GENERAL PRINCIPLES

No employee of the university may participate in, or attempt to influence other employees, regarding any action that would provide direct benefit or detriment or otherwise would affect the financial interests or terms and conditions of employment of their family member or partner. Examples of such activities may include: acting as hiring authority; serving on a search committee; awarding a contract; participating in the recruitment, appointment, retention, promotion, or disciplinary action; making decisions regarding assignment, transfer, salary, leave, training or development opportunities; and conducting performance evaluations.

Family members and partners of employees, whose qualifications merit selection for a position, may be employed if appropriate steps can be taken to remove the related employee from having any influence over future personnel actions regarding the family member if hired.

4. REFERRAL TO CHRO

All recruitment and hiring that may result in the hiring of a relative or partner into the same work unit or that may involve a family member or partner as hiring authority, reference or member of a search committee will be referred to the Chief Human Resources Officer (CHRO) to assure compliance with this policy, including dual career, spouse/partner accommodations, or other appointment of a family member or relative.

5. FAMILY OR PARTNER RELATIONSHIP CREATED BETWEEN TWO EMPLOYEES

There are occasions, such as reorganizations or marriage, in which an employee becomes a supervisor of a family member or partner. In such cases, the individuals involved should contact the CHRO and [report any potential conflict of interest](#) to the [Office of Research Compliance](#).

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The CHRO and the Office of Research Compliance are responsible for ensuring compliance with this policy and the conflict of interest policy of the university.

6. FEDERAL GRANTS AND CONTRACTS REQUIREMENTS

Federal regulations state:

"No employee, officer, or agent may participate in the selection, award, or administration of a [contract](#) supported by a Federal award if he or she has a real or apparent conflict of interest."

Such a conflict of interest would arise if an employee participates in the recruitment, selection, or hiring process of a family member or partner. Therefore, no employee may offer employment or contract with a family member or partner if the position or contract is supported in whole or in part by a federal grant, subgrant, contract, or subcontract. Any employment of or contract with a family member or partner must be approved in advance by the Office of Research Compliance and the CHRO. All employees who work on a federal grant or contract must comply with these requirements.

7. PROCUREMENT

No employee may participate in the procurement of goods or services from a family member or partner.

Any questions regarding the interpretation of this policy should be directed to [MSU Legal Counsel](#).

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Workplace Expectations: Use of University Property, Services, and Resources

Subject: Human Resources, Physical Plant

Policy: Use of University Property, Services, and Resources

Revised:

Effective Date: TBD

Review Date:

Responsible Party: University Human Resources

Applicability: This policy applies to all employees.

1. INTRODUCTION AND PURPOSE

Montana state law prohibits a public officer or public employee from using “public time, facilities, equipment, supplies, personnel, or funds for the officer’s or employee’s private business purposes.” Section 2-2-121, MCA. In addition, the Board of Regents has adopted various policies related to the use of the university’s internet and email systems that restrict the use to job related activities. See, [Policies 1303.1, 1303.2 and 1303.3](#), BOR Policies and Procedures Manual. This policy governs the personal or private business use of university property, services, and/or resources [hereafter referred to as “Property”].

2. POLICY

Property owned by the university, or for which the university is responsible may not be used by employees or others for personal or private business purposes. No employee may use or permit others to use university property for personal or private business purposes.

3. PROPERTY, SERVICES, AND RESOURCES COVERED

This policy is intended to cover all types of university property, services, and resources, including vehicles, farm machinery, trucks, supplies, telephones, computer hardware and software, equipment, electronic mail, copiers, products from university farms, and food, drugs, or chemicals. Surplus property may not be used for personal or private business purposes and must be disposed of in accordance with the university [Property Management Procedures](#).

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4. EXCEPTIONS

BOR and university policies authorize the university to allow the certain uses of university property for non-university activities under certain circumstances (e.g., [Rental of facilities to non-university users; faculty consulting](#).) Any use that is consistent with BOR and university policies and approved as required under BOR and university policies will be allowed under this policy.

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Workplace Expectations: Consulting – Nonfaculty Employees

Subject:	Human Resources
Policy:	Consulting – Nonfaculty Employees
Revised:	
Effective Date:	TBD
Review Date:	TBD
Responsible Party:	University Human Resources
Applicability:	This policy applies to classified and nonfaculty contract employees.

1. INTRODUCTION AND PURPOSE

This policy governs the circumstances and manner in which classified and nonfaculty contract employees may engage in private consulting related to their job.

2. CONSULTING

Consulting is “any additional activity beyond duties assigned by the institution, professional in nature . . . , for which the individual receives additional personal compensation.”

Compensation for consulting is paid by agencies or individuals outside the university from funds not controlled by the university. [BOR Policy 401.1](#). This policy covers the provision of professional services by nonfaculty employees that are either related to their job duties or that may conflict with the university’s interests.

3. APPROVAL

Classified and contract employees may engage in consulting outside of working hours and while on approved leaves if the consulting does not present a conflict of interest [insert link] or commitment with their current job duties or the university’s interests.

4. NO USE OF UNIVERSITY RESOURCES

Employees engaged in consulting may not use university personnel, materials, resources, facilities, or equipment for their consulting activities. Nonfaculty employees may not provide consulting services to the university or the affiliate campuses.

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5. NO CONFLICT OF INTEREST

The university policy on [Conflict of Interest](#) applies to classified and contract professional employees in determining potential conflicts of interests in consulting. Whenever the potential exists for a conflict of interest because of an outside consulting activity, the employee must submit a disclosure as required under the university [Conflict of Interest](#) policy.

In no case will consulting activities detract from the performance of the employee's regularly assigned duties. Classified and nonfaculty contract employees engaged in consulting will also abide by the requirements in the [MSU Faculty Handbook](#), Consulting, Sections 4, 5, 10 and 11.

6. REPORTING

On an annual basis, employees engaged in consulting are required to [report](#) all consulting activities for the prior year to the Office of Research Compliance.

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Workplace Expectations: Telework Policy

Subject: Human Resources

Policy: Telework Policy

Revised:

Effective Date: TBD

Review Date: Three (3) years from Effective Date above

Responsible Party: University Human Resources

Applicability: This policy applies to all employees except student employees or short-term workers.

1. INTRODUCTION AND PURPOSE

The university recognizes there may be circumstances in which it is in the university's interest to allow employees to work at alternate work sites or from home for all or part of a workweek. This policy establishes guidelines for approving and administering teleworking arrangements with university employees.

2. TELEWORK

For purposes of this policy, telework refers to an arrangement that allows an employee to work from home or other location away from the usual workplace on a regular basis.

3. ELIGIBILITY

Telework arrangements may be considered for non-faculty employees who have completed at least six (6) months of service in the position intended to be covered by the telework agreement. In some cases, the university may establish new or open positions in which telework is an expected condition of employment. For those designated telework positions, the job announcement will describe the telework requirement and include a statement that the ability to work effectively and efficiently from an alternate worksite is a qualification of the position.

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4. APPROVAL

For purposes of this policy, occasional, out-of-office work arrangements may be allowed on a case-by-case basis if approved by an employee's supervisor. A formal telework agreement is not required for these occasional telework arrangements and a supervisor's approval on one occasion does not imply that future requests of a similar nature will be approved.

Approval of long term telework arrangements will be made on a case by case basis by the supervisor, the vice president of the division, and University Human Resources. Both the abilities and characteristics of the employee and the nature of the work must be assessed by the supervisor before entering into and approving a telework agreement. Telework is not an entitlement nor is it a university benefit. Any telework arrangement may be approved or discontinued at the discretion of the university.

Telework may be approved if, after evaluation, it is determined that the employee can effectively perform the job duties of the position while teleworking, the arrangement conforms to all regulations, policies, and collective bargaining agreements, and a telework agreement is developed by University Human Resources.

5. CONDITIONS OF TELEWORK ASSIGNMENTS

- a. Telework assignments do not change the conditions of employment. Work performed at alternate locations is considered official university business and documents created in the course and scope of employment are university business documents. Employees on telework assignments are required to comply with all appropriate policies and procedures. The university may establish additional specific conditions that apply to employees working at alternate locations.
- b. The department and the employee should mutually agree to telework arrangements which must be approved by University Human Resources to assure compliance with this policy.
- c. The university may establish telework as a condition of employment based on business need. A new position that may be designated as a telework position should include the reference to the telework requirement in the position description and advertising.
- d. An employee's compensation and benefits will not change because of telework.

6. ATTENDANCE AT MEETINGS

Supervisors may require employees to report to a central workplace as needed to attend work-related meetings or other events. Supervisors may meet the employee in the alternate work location in person or remotely as needed to discuss work progress or other work-related issues.

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7. HOURS OF WORK

The total number of hours that employees are expected to work will not change, regardless of work locations. Work hours must be documented in accordance with university policies and procedures, Montana wage and hour laws, and the federal Fair Labor Standards Act.

8. USE OF LEAVE

Telework is not intended to be used in place of sick leave, Family and Medical Leave, Workers' Compensation leave, or other types of leave. Telework may be appropriate as an opportunity for partial or full return to work following sickness or injury based on university policy and the criteria normally applied to decisions regarding the approval of telework and reasonable accommodations.

9. EQUIPMENT AND MATERIALS

Normally, the university will provide equipment and materials needed by employees to perform their duties effectively. However, telework agreements may require employees to use their own equipment.

a. UNIVERSITY-OWNED EQUIPMENT

Employees may not use university owned equipment for personal use. See [Section 2-2-121, MCA](#) and Use of University, Property, Services and Resources ([insert link](#)) policy. Employees are responsible for protecting university-owned equipment from theft, damage, and unauthorized use.

b. UNIVERSITY EQUIPMENT AND SERVICES

The department may provide utility equipment and services generally available in the central work location. Examples include but are not limited to:

- i. Pay for leased telephone lines in the alternate work location,
- ii. Install, and provide basic telephone service in the alternate work locations, or
- iii. Provide cell phones for use in the alternate location.

c. EMPLOYEE-OWNED EQUIPMENT

The university will not assume responsibility for cost, repair, or service when authorizing employees to use their own equipment unless approved by management.

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10. INTEGRITY AND CONFIDENTIALITY OF WORK INFORMATION

Employees must safeguard university information used or accessed while at the remote worksite. Employees must follow security procedures established by the university to ensure the protection, security, and confidentiality of university information and data.

11. TELEWORK AGREEMENT

The telework agreement should comply with the requirements set forth in the Telework Policy of the Department of Administration. (insert link) <http://mom.mt.gov/>

Procedures: (insert link)

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Workplace Expectations: Workplace Violence Prevention Policy and Guidelines

Subject:	Governance and Organization, Human Resources
Policy:	Workplace Violence Prevention Policy and Guidelines
Revised:	
Effective Date:	TBD
Review Date:	TBD
Responsible Party:	University Police/University Human Resources
Applicability:	This policy applies to all employees.

1. INTRODUCTION AND PURPOSE

Montana State University supports a learning environment and workplace, both on campus and any of its off-site locations, that is free of violence; acts of violence by or against any member of the MSU community are strictly prohibited.

The university is committed to working with its employees to maintain an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

2. REPORTING VIOLENCE, THREATS, HARASSMENT, INTIMIDATION, AND OTHER DISRUPTIVE BEHAVIOR

All reports of violence, threats, harassment, intimidation, and other disruptive behavior against employees, including acts of stalking, relationship or domestic violence, will be taken seriously and will be dealt with appropriately. Individuals who commit such acts may be removed from the premises and may be subject to university disciplinary action including dismissal or expulsion and/or criminal penalties.

Maintaining a workplace free of violence requires the cooperation of employees. Any employee who believes they are the subject of, or a witness to, a suspected violation of this policy is strongly encouraged to report the matter without fear of retaliation by:

- a. Calling the University Police at 406-994-2121,

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- b. Speaking to a supervisor,
- c. Contacting a union official,
- d. Calling University Human Resources at 406-994-3651, or,
- e. Reporting using the [MSU Compliance Hotline
www.msucompliancehotline.ethicspoint.com](http://www.msucompliancehotline.ethicspoint.com)

Any emergency, perceived emergency, or suspected criminal conduct shall be immediately reported to the Police Department.

Record keeping and documentation will be maintained by University Human Resources and the University Police if appropriate, both to protect the employee as well as the university. Every effort will be used to maintain the reporting employee's right to privacy.

The university will evaluate the situation and take appropriate action as necessary to address any threat of violence in the workplace. This action may involve consultation among the police, human resources, legal counsel, mental health providers, and others as necessary.

Follow-up actions will be crafted to respond to individual situations. The range of actions may include removal of potentially dangerous persons from the premises, discipline of employees or students, provision of added security measures, disciplinary referrals, and other actions that may be appropriate.

[Guidelines and Information for employees \(insert link\)](#)

MONTANA STATE UNIVERSITY HUMAN RESOURCES HANDBOOK

Workplace Expectations: Drug, Alcohol, and Tobacco Free Workplace

Subject:	Human Resources
Policy:	Drug, Alcohol, and Tobacco Free Workplace
Revised:	
Effective Date:	TBD
Review Date:	TBD
Responsible Party:	University Human Resources
Applicability:	This policy applies to all employees.

1. INTRODUCTION AND PURPOSE

This policy implements the Drug-Free Workplace Act and portions of the Drug-Free Schools and Communities Act and Board of Regents Policy 503.1. Alcohol abuse and the unauthorized use of controlled substances in the workplace can be highly detrimental to the safety and productivity of employees. Montana State University has a longstanding commitment to maintaining a work environment that is drug free and has adopted this policy to provide a work environment that promotes the safety and productivity of its employees, students, and visitors.

2. PROHIBITIONS

The unlawful and unauthorized use, possession, manufacture, distribution, purchase, or sale of controlled substances and alcohol are prohibited while on university property, during the performance of one's duties, while attending university related activities or while operating a vehicle or machine owned or leased by the university.

No employee should perform their duties while impaired by drugs or alcohol. A supervisor may require an employee to remove themselves from the campus if the supervisor reasonably believes the employee is impaired by drugs or alcohol. The supervisor will work with University Human Resources to arrange for appropriate transportation.

The university may require employees to refrain from the use of alcohol during the performance of their duties and while attending university events that occur during the employee's work hours.

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Compliance with this policy is a condition of continued employment and violations of this policy will result in disciplinary action, up to and including termination of employment. An employee may be required to successfully complete a drug/alcohol abuse rehabilitation program before returning to work if termination of employment does not occur.

3. HEALTH RISKS

The [Drug-Free Schools and Communities Act](#) requires the university to include a description of the health risks associated with the use of illicit drugs and alcohol to ensure employees are aware of the serious health consequences of the use, misuse, and abuse of alcohol and other drugs. An overview of the risks related to some commonly abused drugs and links for more information are provided.

a. ALCOHOL

Alcohol is a depressant that slows down a person's central nervous system, including breathing and heart rates. Short-term risks of alcohol use include: impaired judgment, poor motor coordination, emotional instability, and increased aggression. Long-term risks include: irreversible damage to brain, liver, pancreas, kidneys; memory problems, and nutritional deficiencies; and high risk of fetal damage if used during pregnancy.

[Centers for Disease Control and Prevention alcohol fact sheets](#)

b. MARIJUANA

Marijuana is an illegal drug that can cause changes in the way people think and feel. Marijuana use can make it harder for students and employees to effectively function in school and work-related activities. It slows reflexes and impairs visual perceptions.

[National Institute on Drug Abuse marijuana information](#)

c. COCAINE

Cocaine is an illegal drug that is a strong central nervous system stimulant. It is a powerfully addictive drug.

[National Institute on Drug Abuse cocaine information](#)

[National Institute on Drug Abuse health effects of commonly abused drugs](#)

d. CLUB DRUGS

Club drugs, such as MDMA (Ecstasy), Rohypnol, GHB, and Ketamine sometimes are used in a nightclub, bar, or rave drug scene. They have varying effects and can cause changes to critical parts of the brain.

[National Institute on Drug Abuse club drugs information](#)

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4. LEGAL SANCTIONS

The [Drug-Free Schools and Communities Act](#) also requires the university to describe the legal sanctions for unlawful possession or distribution of illicit drugs and alcohol. In addition to disciplinary sanctions by the university, employees who violate this policy may also be subject to federal, state, and local laws that may result in imprisonment, fines, and loss of federal benefits for conviction of alcohol and drug-related offenses.

Local, state, and federal statutory penalties include the following:

- a. Public drinking (Bozeman Municipal Code 4.04.030) - fine of \$100.00 to \$500.00.
- b. Criminal sale or possession of dangerous drugs (Title 45, Chapter 9, MCA) - fines from \$100 to \$50,000 and imprisonment for periods from six (6) months to life, depending on the type of drugs involved and the circumstances surrounding the sale or possession.
- c. Severe federal penalties exist for the use, possession, and/or distribution of illicit drugs, which include marijuana, speed, crack, and cocaine, ranging from up to one (1)-year imprisonment and a minimum fine of \$1,000 for simple possession to up to life imprisonment and a minimum fine of \$2,000,000 for an individual engaging in a continuing criminal enterprise. Federal controlled substance convictions also can lead to forfeiture of both real and personal property; the denial of federal benefits, such as grants and student loans; and the denial of federally-provided or supported professional and commercial licensures. The seriousness of the offense and the penalty imposed generally depends on the type and amount of the drugs involved. See [Federal Trafficking Penalties](#).

5. TOBACCO FREE CAMPUS

The university has adopted a [Tobacco Free Campus Policy](#) that prohibits the use of tobacco and e-cigarettes on campus.

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Workplace Expectations: Reasonable Accommodations for Employees and Applicants with Disabilities

Subject: Human Resources

Policy: Reasonable Accommodations for Employees and Applicants with Disabilities

Revised:

Effective Date: TBD

Review Date: TBD

Responsible Parties:

- **MSU Billings: Human Resources**
 - **MSU at Bozeman: Human Resources**
 - **Great Falls College MSU: Human Resources**
 - **MSU-Northern: Human Resources**
-

SCOPE

This Policy applies to all employees of the following MSU Campuses:

MSU Bozeman (including MSU Extension, Agricultural Experiment Stations, and Gallatin College)

MSU Billings (including City College)

MSU Northern

Great Falls College MSU

For the purpose of this policy, the term “university” means all campuses listed.

Applicability: This policy applies only to all university employees and applicants for employment at the university.

1. INTRODUCTION AND PURPOSE

The university wishes to foster an inclusive and diverse workforce free from discrimination. The university will make “reasonable accommodations” in the workplace or application process for an employee or applicant with a disability. This policy outlines the process for exploring possible workplace accommodations for university employees and applicants with disabilities, including faculty, contract, classified, temporary, and student employees. Students with

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disabilities seeking accommodations for academics, housing, or extracurricular programs should contact the university student disabilities services office on their campus.

2. TERMS AND DEFINITIONS

a. DISABILITY

A person is considered to have a disability and is entitled to a reasonable accommodation if the person has a physical or mental impairment that substantially limits one or more major life activities. Major life activity includes, but is not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. It also includes major bodily functions such as the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

b. REASONABLE ACCOMMODATIONS

A reasonable accommodation is a change or adjustment to recruitment, job, or work environment that permits an otherwise qualified person with a disability to participate in the job application process, to perform the essential functions of the job, or to enjoy benefits and privileges of employment the same as employees without disabilities.

Each accommodation request shall be evaluated and determined separately. Accommodations may include, but are not limited to:

- modifying work schedules;
- granting breaks or providing reasonable leave;
- altering how or when job duties are performed;
- moving to different office space;
- making changes in workplace policies;
- providing assistive technology;
- removing an architectural barrier, including reconfiguring work spaces;
- providing materials in alternative formats (e.g., Braille, large print).

c. UNDUE HARDSHIP

The university is not required to make an accommodation if it would impose an undue hardship on the operation of the university. “Undue hardship” means an “action requiring significant difficulty or expense when considered in light of a number of factors such as size, resources, nature, and structure of the employer’s operation.” Undue hardship refers not only to financial difficulty, but to accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. The university

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will assess on a case-by-case basis whether a particular accommodation would impose an undue hardship.

While the university will consider the employee or applicant's preferred accommodation, it may select another accommodation if it is effective in allowing the employee to perform the essential functions of the job or the applicant to compete for the position.

Reassignment to a vacant position will only be considered as an accommodation if no other reasonable accommodations has been effective to assist the otherwise qualified employee to perform essential functions of their current position. In addition, the disabled employee must be qualified for the vacant position with or without reasonable accommodations. Reassignment may not violate an applicable seniority system or collective bargaining agreement.

3. THE ACCOMMODATION PROCESS

The process of determining a reasonable accommodation is a collaborative, interactive process between the employee/applicant, the employing unit representative, and the Designated Accommodation Coordinator or their designee.

a. ACCOMMODATION COORDINATORS FOR EMPLOYEES

Each campus will have a designated Accommodation Coordinator. Contact information for the Accommodation Coordinators is available on the appropriate HR website.

MSU Bozeman (including Gallatin College and Agricultural Research Centers)– insert active link

MSU Billings (including City College) - insert active link

MSU Northern - insert active link

Great Falls College MSU – insert active link

b. APPLICANT REQUESTS

All job postings will contain a statement advising applicants with disabilities that they may request accommodations. Applicants may make requests to the Accommodation Coordinator, as directed in the job postings.

c. EMPLOYEE REQUESTS

Employees may request a disability accommodation from the supervisor or the Accommodation Coordinator. A third party - e.g., family member, medical care provider may also make the request on the employee's behalf. If a request is made to a supervisor, the supervisor will forward the request to the Accommodation Coordinator as soon as possible. The request may be oral or written. If an employee

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is uncertain about whether they have a disability or require an accommodation, they may contact the Accommodation Coordinator for guidance.

The university may also begin the interactive process when an employing unit learns through observation that an employee may need an accommodation to assist in performing the job duties because of a disability.

d. INFORMATION REQUESTS

To assist in the process, the Accommodation Coordinator may request:

- a description of the disability if not known or obvious;
- supporting medical documentation if the need for an accommodation is not known or obvious and/or is necessary to determine the accommodation;
- a description of the limitations that may prevent the employee from performing some of their duties;
- the duties that the employee cannot perform because of the disability; and
- if known, the desired accommodation.

This information is generally provided on the Forms [insert link] found here.

e. EMPLOYEE RESPONSIBILITIES

The employee (or the employee's representative) is responsible for:

- completing the Americans with Disabilities Act Employee Request for Accommodation Form (link) and forwarding the completed form to the Accommodation Coordinator in accordance with the directions);
- responding to all requests for documentation within time frames established by the Accommodation Coordinator; and
- actively participating in the interactive process.

The Accommodation Coordinator may, with the employee's permission, contact health care providers if there are questions concerning the need for an accommodation and/or to identify any functional limitations of the employee related to the job. Health care providers may also be queried about proposed accommodations; however, the university is ultimately responsible to select the accommodation to be offered to the employee.

4. IDENTIFYING POTENTIAL ACCOMMODATIONS

When an employee requests an accommodation or the employing unit learns of a potential need for an accommodation, the university will collect the information necessary to establish that the employee is a person with a disability and identify potential accommodations.

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- a. Accommodations that the Accommodation Coordinator believes will effectively address the limitations of the employee and that do not cause undue hardship will be offered to the employee
- b. If no accommodation is offered or if the accommodation offered is not the one requested by the employee, the reasons for the decision will be provided in writing, including the reasons for selecting the accommodation offered and information about the [Discrimination Grievance Procedure](#).

Employees receiving an accommodation who experience a change in their condition that may require a change in the accommodation may seek additional or different accommodations.

5. GRIEVANCE

If the employee is dissatisfied with a denial or with the accommodation offered, the employee may grieve the decision in accordance with the [Discrimination Grievance Procedures](#).

6. CONFIDENTIALITY

Information concerning a disability submitted by an applicant, employee, or medical provider shall be maintained confidentially by the Accommodation Coordinator and may be shared only with those who have a need to know in accordance with applicable state and federal laws.

Questions related to the Reasonable Accommodation Process should be referred to the Accommodation Coordinator.