



ROCKY VISTA UNIVERSITY

EMPLOYEE HANDBOOK

MONTANA SUPPLEMENT

JULY 2024

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Important Information

About This Montana Supplement

Rocky Vista University ("UNIVERSITY" OR "RVU") is committed to workplace policies and practices that comply with federal, state, and local laws. For this reason, Montana employees will receive the University's national handbook ("National Handbook") and the Montana Supplement to the National Handbook ("Montana Supplement") (together, the "Employee Handbook").

The Montana Supplement, however, applies only to Montana employees. It is intended as a resource containing specific provisions derived under Montana law that apply to the employee's employment. It should be read together with the National Handbook and, to the extent that the policies in the Montana Supplement are different from, or more generous than those in the National Handbook, the policies in the Montana Supplement will apply.

Nothing contained in the Employee Handbook creates a contract, express or implied, between the employee and the University. No employee of the University can create or offer employees a contract of employment for any specified duration, with the exception of the President of the University, or the President's authorized representative, and any such contract must be in writing and signed by the President of the University or their authorized representative.

If employees have any questions about these policies, they should contact their immediate supervisor or the Human Resources Department.

Employment

All employees of RVU are employed for an indefinite period of time. Employees may resign at any time and may be terminated at any time for any reason during the employee's probationary period, or with good cause after the probationary period.

Employees who have not completed ninety (90) calendar days of continuous employment with RVU are considered to be within their probationary period of employment for purposes of Montana's wrongful discharge law. During employees' probationary period, their employment is "at-will," meaning that either the employee or the University may terminate the relationship at any time, with or without cause and with or without notice. An employee's supervisor, in consultation with Human Resources, may choose to extend an employee's probationary period for up to an additional 90 days as needed to fully evaluate the employee's performance, account for excused absences, and/or acquire additional training for the employee to perform their job duties. Probationary periods extensions should be communicated to the employee before the end of their orientation/probationary period.

After employees complete their probationary period, they may still end their employment relationship with the University at any time. The University, however, may terminate an employee only for "good cause," which means any reasonable job-related grounds for an employee's dismissal based on the employee's failure to satisfactorily perform job duties, disruption of the University's operation, material, or repeated violation of an express provision in the University's policies or any other legitimate business reason.

Equal Employment Opportunity/Unlawful Harassment/Other Accommodation

As set forth in the National Handbook, RVU is committed to equal employment opportunity and to compliance with federal anti-discrimination laws. RVU also complies with Montana law, which prohibits discrimination and harassment against any employee or applicants for employment based on race, color, national origin, religion, creed, sex, pregnancy (including childbirth and related medical conditions), physical or mental disability, age (over 40), marital status, state militia status and use of lawful products outside of work.

The University will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state, or local law.

Compensation and Benefits

Overtime

For Montana employees, overtime is paid at 1.5 times the regular pay rate for all hours worked in excess of 40 hours per workweek. In any week in which a University holiday, vacation, administrative leave, personal, sick leave, or any other category of leave is taken, that time will not be considered as time worked in computing overtime. For purposes of calculating overtime, the established work week begins Sunday at 12:00 a.m. and ends at 11:59 p.m. the following Saturday.

Time Off and Leave of Absence

Crime Victim Leave

Eligible employees may take time off from work to participate at the prosecuting attorney's request in preparation for or attendance at a criminal justice proceeding. Employees are eligible for leave if the employee is:

- The victim of the crime at issue in the proceedings; or
- The victim's spouse, child by birth or adoption, stepchild, parent, stepparent, or sibling.

Employees are not eligible for leave if the employee is accountable for the crime at issue in the proceedings.

Time off under this policy will be without pay except that exempt employees will not incur any reduction in pay for a partial week's absence for leave to appear as a witness.

Public Official Leave

Employees who are elected or appointed to a public office at the city, county, or state level will be allowed a leave of absence for service in that role. The leave will be unpaid and must not exceed 180 days per year.

Employees must plan to return to work within 10 days following the completion of the service for which leave was granted unless the employee is prevented from doing so by illness or disabling injury. Employees will be required to submit a medical certification verifying the illness or disabling injury.

Upon reinstatement, employees will be restored to their position or to an equivalent position with equivalent pay, with the same seniority, status, compensation, hours, locality, and benefits as existed immediately prior to their leaves of absence for public service.

Maternity Leave

Employees will be provided a leave of absence for a reasonable period of time for pregnancy. The University may require employees to provide a medical certification that states that the employee is not able to perform their employment duties because of their pregnancy.

Upon signifying their intent to return from a pregnancy-related leave, employees will be reinstated to their original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits, unless the University's circumstances have changed such that reinstatement is impossible or unreasonable.

Disabilities caused or contributed by pregnancy and related medical conditions will be treated like other temporary disabilities for all job-related purposes.

Military Leave

In addition to the military leave rights set forth in the National Handbook, Montana employees who are ordered to federally funded military duty, whether voluntary or involuntary, are also entitled under Montana law to all of the employment and reemployment rights and benefits provided under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and other applicable federal laws.

Employees who are members of Montana's national guard or who are members of the national guard of another state and employed in Montana are entitled to a leave of absence during a period of voluntary or involuntary state military duty or full-time National Guard duty. "State military duty" includes a duty performed by a member, including active operations or administrative functions, exercises, training, coordination, or planning that is conducted for the purposes of preparing the Montana National Guard for active duty. It also includes the time period, if any, required pursuant to a licensed physician's certification to recover from an illness or injury incurred while performing military duty.

Leave under this policy will be unpaid except that employees may elect to use any accrued vacation, annual leave, paid military leave, or compensatory leave. For employees who were probationary employees when ordered to state military duty, the University may require them to resume their probationary period from the date the leave of absence for state military duty began.

Employees returning from leave will be reinstated to employment with the same seniority, status, and pay they would have had absent the leave, except under any of the following conditions:

- The employee is no longer qualified to perform the duties of the position because of a physical or mental disability.
- The employee's position was temporary, and the temporary employment period has expired during the leave.
- The employee's request to return to work was not done in a timely manner.
- The University's circumstances have changed so significantly that the employee's continued employment cannot reasonably be expected.
- The employee did not inform the employer at the time of hire that the employee was a member of the state's organized militia or the national guard of another state.
- The employee enlisted in the state's organized militia or another state's national guard during employment and did not inform the employer of the enlistment; or
- The employee's reinstatement would cause the University undue hardship.

Unless there are extenuating circumstances that prevent timely reporting to work, through no fault of the returning employee, employees must notify the University of their intent to return to employment following military service in accordance with the following timing requirements:

- For individuals whose period of service was less than 30 days or was for the purpose of an examination to determine the person's fitness to perform service in the uniformed services, not later than the beginning of the first full regularly scheduled work period on the first calendar day following the completion of the period of service, safe transport to the individual's residence and an additional eight-hour period;
- For individuals whose period of service was 30 to 180 days, not later than 14 days after completion of the period of service; and
- For individuals whose period of service in the uniformed service was for more than 180 days, not later than 90 days after the completion of the period of service.

Exceptions to the above timing requirements will apply when providing notice is either impossible or unreasonable through no fault of the person. In those cases, notice must be provided as soon as possible.

Employees who have coverage under the University's health insurance plan will be able to continue such coverage while on military leave so long as they continue to make payments for their contribution to the coverage costs. Employees whose service qualifies them for coverage under the State of Montana's health insurance plan as an employee of the Department of Military Affairs may be required to pay up to 102 percent of the full premium for continued coverage.

When employees who choose to not remain covered under the University's health plan return to employment, they can resume coverage under the plan without being deemed to have a break in service for purposes of the plan.

Upon reemployment, employees will be entitled to receive creditable service for the period of military leave for purposes of any University-provided pension plan. When employees elect to receive credit and make up any employee contributions required to accrue benefits under any University pension plan, the University will pay the amount of its contribution for the period of state military duty.

Work Environment

Smoke-Free Workplace

In accordance with Montana law, the University prohibits smoking in the workplace. Employees wishing to smoke may do so during scheduled work breaks outside University facilities where smoke does not migrate back into the workplace.

Employees that observe other individuals smoking in the workplace have a right to object and should report the violation to their immediate supervisor or the Human Resources Department.

Employees will not be disciplined or retaliated against for reporting smoking that violates Montana law or this policy. Employees who violate this policy may be subject to disciplinary action up to and including termination.