

## Chapter 1

### Employee Responsibilities

#### 1.0 Introduction

This chapter provides information regarding personal responsibilities and conduct of the employee. Summaries of Department policies covering the most common events in the workplace as well as standards of conduct are included. The text is to provide general information and guidelines. Specific information can be found in the appropriate publications such as the Montana Operations Manual, Volume III, Personnel Policies and Procedures.

#### 1.1 Work Readiness

##### Punctuality

Employees are expected to be at their assigned work location and prepared to start work at the beginning of the scheduled shift. Being prepared to start work at the beginning of the scheduled shift includes bringing a lunch, as carrying a lunch is considered to be a condition of employment for maintenance personnel. Failure to report to work at the specified time imposes a hardship on the crew and may result in disciplinary action.

##### Attendance

All full-time employees normally work eight (8) hour days and 40-hour workweek or some flexible workweek of 40 hours. This includes a 30-minute lunch and a 15-minute break in the morning and afternoon. Normal working hours and break times may be adjusted depending on the situation.

It is the employee's responsibility to provide reasonable notice of intent to take leave, which is granted at a time mutually convenient for employee and the Department. Reasonable notice for sick leave in some cases may be calling just prior to the beginning of the shift. Contact the supervisor for the process.

Failure to report to work without having made prior arrangements may result in disciplinary action.

#### 1.2 Alcohol and Drugs

##### Alcohol

Alcohol is not tolerated in the workplace. Employees shall not do the following:

- Use alcohol while on duty.
- Report for duty or remain on duty with an alcohol concentration that exceeds CDL requirements.
- Perform safety-sensitive function within four hours after using alcohol.

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- Use alcohol for eight hours following an accident for which a post accident test is required, until the test is taken.

#### **Drugs**

No employee shall report for duty after using or under the influence of controlled substances except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance does not adversely affect the employee's ability to safely operate commercial motor vehicles and heavy equipment.

#### **Testing**

Testing for alcohol and drugs is mandatory for maintenance workers who are required to have a commercial driver's license, drive a commercial motor vehicle and perform safety sensitive functions. The purpose of the testing is to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances.

Testing will be done in the following situations:

- Pre-employment
- Random
- Post accident
- Reasonable suspicion
- Return-to-duty
- Follow-up

#### **Disciplinary Action**

Use of alcohol and substance abuse will result in disciplinary action. Disciplinary action is covered in Policy #3-0312 located on the MDT Intranet at <http://mdtinfo/>. (Directions are on page 19 of the MDT Employee Guide to Alcohol and Drug Testing)

### **1.3 Public Relations**

In keeping with the mission statement, MDT strives to promote a positive public image for internal and external customers. This means being courteous and helpful at all times. It also means providing information and answers whenever possible. If questions are received from the media about operations in the section or area, forward the questions to the district administrator (or appropriate person). If an inquiry pertains to any broader issue, please forward that question to the public information officer at (406) 444-7205. A key component of positive public relations is consistency.

This focus on consistency also means that MDT employees need to be kept informed. If an employee has a question or comment regarding area, district or statewide issues, MDT encourages the employee to talk to the District Administrator, Area Maintenance Bureau Chief or the Department's public information officer. MDT strives to provide positive public relations to both internal and external customers.

### **Community Involvement**

MDT has published a Public Involvement Handbook that details the community involvement processes. The handbook reminds us that our primary responsibility is to serve the public, and it outlines procedures for actively involving the public in planning decisions, detailing everything from public meetings and hearing to newsletters, press releases and public opinion surveys. The project mission and objective help define the scope of activities needed.

For a copy of Public Involvement Handbook, contact public information officer at (406) 444-7205.

### **Employee's Responsibility**

The public's perception of the Department is affected, in large part, by the actions of its employees. The following minimum standards of conduct should be observed:

- Employees are expected to perform their duties in a businesslike manner, so their actions demonstrate the efficient use of time and funds.
- Employees are to obey all traffic regulations.
- Employees are to drive courteously and defensively.
- Employees should be courteous in all of their dealings with the public and fellow employees.
- Employees are expected to wear appropriate clothing as required in the MDT Safety Policy and Procedures Manual, General Safety Section, page 1.

The legislature has established standards of conduct for state employees. These include a Code of Ethics. The publication Ethics-Standards of Conduct for State Employees is available in the District Personnel Specialist Office.

## **1.4 Workplace Harassment**

Workplace harassment can take many forms from the subtle to the overt. Examples include unwelcome remarks, jokes or taunting about a person's race, religious beliefs, color, gender, physical or mental disabilities, marital status, age, ancestry, place of origin or political beliefs.

Workplace harassment may occur when an employee refuses to converse or work with an employee based on any of the above grounds. Insulting gestures or practical jokes based on the above grounds, displays of racist or offensive pictures, unwelcome comments about an individual's personal life, his/her physical attributes or appearance and, of course, physical assault may be considered workplace harassment.

The Department is committed to providing a discrimination-free work environment for all employees. If any employee believes he/she has been subjected to workplace harassment, he/she should contact either the District Centralized Services Supervisor for his/her District or contact the Civil Rights Bureau in Headquarters (406 444-6331).

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Copies of MDT's Discrimination Complaint Procedures are available in all section houses and other MDT facilities.

#### **1.5 Sexual Harassment**

Sexual harassment is against the law and the State is committed to preventing it. All employees have a right to work in an environment free of sexual harassment. Sexual harassment is generally defined as unwelcome sexual advances, request for favors, other verbal, physical and/or visual contact of sexual nature when:

- Submission is made either explicitly or implicitly as a term or condition of an individual's employment.
- Submission or rejection by an employee is used as a basis for employment decision affecting the employee.
- Conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or offensive work environment.

If an employee feels he/she has been sexually harassed, he/she should notify the District's EEO Officer about the sexual harassment complaint resolution procedures.

The Department is committed to providing a discrimination free work environment for all employees. If any employee believes he/she has been subjected to workplace harassment, he/she should contact either the District Centralized Services Supervisor for his/her District or contact the Civil Rights Bureau in Headquarters (406 444-6331). Copies of MDT's Discrimination Complaint Procedures are available in all section houses and other MDT facilities.

#### **1.6 Firearms Possession and Storage**

##### **Purpose**

The increased violence that has filtered into workplaces throughout the United States has become a significant concern for many people employed by the State of Montana. Violence and threats of violence in the workplace often have devastating effects on the productivity of agencies and on the quality of life of employees. The State of Montana wishes to provide a safe and healthy work environment for its employees. The policy addressing employee possession and storage of firearms in state-owned and state-leased buildings and vehicles is intended to promote a safe and healthy work environment.

A firearm is defined as a weapon that is designed to or may readily be converted to expel a projectile by the action of an explosion in the frame or receiver of the weapon.

### **Prohibitions Except as Provided in Exceptions**

An employee while on state business may not carry a firearm on his or her person or carry or store a firearm in a state-owned or state-leased building or vehicle unless the employee:

- is specifically authorized by state or federal law to carry a firearm as a condition of employment,
- is in actual service as a member of the National Guard or
- is engaged in firearm instruction or fieldwork in which a firearm is carried for use associated with the discharge of official state business.

### **Exceptions**

The Governor may grant a written exception to this policy for a particular employee or class of employees.

An employee may carry or store a firearm in a state-owned or state-leased building if the building is the employee's residence.

### **Violation of Policy**

A violation of this policy may result in disciplinary action up to and including termination of employment.

## **1.7 Liability Protection**

All employees of the Montana Department of Transportation are protected from liability claims, which arise from incidents that occur on the job, as long as they are performing their duties in a reasonable manner and in accordance with Department policies.

## **1.8 Equipment Care and Use**

All employees must operate state vehicles courteously and within the requirements of the law and Department policy. Employees must obey all traffic laws of the city, county and state and will be held personally responsible for fines or other action resulting from conviction of violations of these laws.

Since the majority of maintenance vehicles and equipment is equipped with two-way radios, each employee is expected to use these radios in accordance with accepted Department procedures.

The following are some general rules for radio usage:

- Do not use CB jargon
- Be brief, courteous, and do not interrupt other messages.
- Use the radio for Department business only.
- Use of profane, foul or abusive language on the radio is illegal.

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**1.9 Materials Care and Use**

Materials for maintenance can be stored at maintenance sections. All materials should be stored in a manner, which provides for the safety of the employees and the public. Employees are responsible for the proper use, handling, safeguarding, conserving and disbursing of state-owned materials and supplies. Department materials and supplies are not to be used for personal benefit.

**1.10 Facilities**

**Maintenance Buildings**

The facilities needed in order to carry out the maintenance functions are equipment, materials storage buildings, and material storage yards. The facilities, both inside and out, should present a neat, clean appearance. Maintenance sections should be free of trash, discarded equipment, material and debris. All employees should participate in keeping facilities neat and clean.

**Residences**

In order to attract employees to work and live at remote locations where private housing is not reasonably available, the Department furnishes residences or mobile home spaces for employees and their families. These residences and mobile home spaces are rented to the employees. The rent and rental terms are outlined in an agreement between the employee and the Department prior to employee occupancy.

**Some employee responsibilities as a tenant include:**

- Keeping residences clean and in good condition.
- Keeping premises in a clean and safe condition.
- Paying all utilities.
- Promptly notifying the immediate supervisor when there is a need for major repairs.
- Forbidding the use of residence or mobile home space for illegal purposes.

**Reporting Loss or Damage of State Property**

Employees should make every effort to prevent loss or damage to state property. Employees should ensure that materials and equipment are secured in a manner that will deter theft and vandalism. Loss or damage to state property should be promptly reported to the immediate supervisor.

When any MDT property is stolen, the original and four copies of the Incident Report and Supervisor's Investigation Report need to be sent through the Area office to Organizational Development Bureau in Helena.

**1.11 Work Attire**

**Protective Clothing and Equipment**

The Department furnishes protective clothing and equipment for employees while performing their normal work duties in environments in which:

- entail the risk of injury or create high safety risks,
- require visibility within the right-of-way,
- require the employee to work with or around harmful or hazardous material,
- require the employee to operate machinery or equipment needing special safety protection or
- mandate protection by law.

The Montana Department of Transportation Employee Safety Policy and Procedures Manual lists the protective clothing and equipment needed for each job. (See General Safety Section and Maintenance Section.) Every employee plays an important role in job safety. Employees should always be aware of the importance of safety and must use proper protective clothing and equipment.

### **Proper Work Attire**

All maintenance employees are expected to report to work in attire that provides a reasonable degree of safety. Proper work attire includes pants, shirts and work boots that are substantial and appropriate for the job, weather and maintenance activity. Additional clothing, such as rain gear, cold weather footwear and coats, is the responsibility of each employee and it is expected that these items will be on hand when needed. Under union contract, employees will receive an allowance when they buy safety-related clothing such as winter gear and safety-toed boots.

### **Furnished Clothing**

The Department furnishes the following protective garments:

- Orange or fluorescent yellow-green vests with reflectorized markings
- Hard hats and liners

Employees must wear and/or use personal protective equipment as required to perform their job safely and in accordance with safety rules and procedures.

### **Equipment**

Employees must use appropriate protective equipment furnished by the Department while performing certain duties. Check Safety Manual and MSDS for specific requirements.

## **1.12 Accidents**

The State of Montana is self-insured through the Department of Administration, Risk Management and Tort Claim Division, for all department-owned vehicles and equipment liability and general liability claims from the public.

### **Report of Incident-Vehicle/Equipment**

An incident report is required under the following conditions:

- All accidents or injuries involving state-owned motor vehicles or equipment directly or indirectly.

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- All cases of fire, theft, attempted theft or vandalism involving state-owned vehicles or equipment.

#### **Employee Responsibilities:**

- Report all accidents and/or losses involving state-owned motor vehicles or equipment to the supervisors no later than the end of the shift during which the accident or loss occurred.
- Notify the appropriate authorities having jurisdiction by the quickest means possible when an accident results in personal injury, death or property damage over \$500. A written report needs to be filed with the Montana Highway Patrol within 10 days of an accident where there has been death, personal injury, or damage over \$1000.
- Fill out the Incident Report completely. If a section on the report requests unknown information, then it should be marked unknown.
- Complete the section titled “Drivers Statement of How Accident or Loss Occurred” in detail so that other interested persons such as insurance adjusters or attorneys have a clear understanding of how the accident or loss occurred. Note all facts and evidence on the report.
- Complete the diagram of motor vehicle or equipment accidents. Identify highway or street by number and name, and when possible by milepost. Department vehicle is identified as vehicle number 1.
- Sign (the operator and the area supervisor) this report. The original and two copies will be submitted through the Area office to Organizational Development within ten days of the accident or loss.

#### **Supervisor Responsibility:**

- Report all accidents and/or loss involving state-owned vehicles and equipment to the Organization Development Bureau through the area headquarters by the quickest means available. All pertinent information should be listed. The immediate supervisor will investigate all motor vehicle or equipment accidents.
- Complete the Supervisor’s Investigation Report form and submit it to the Organizational Development Bureau, Helena, within ten working days of the accident.
- Ensure investigations are made and reports are completed and submitted.
- Ensure all accidents directly involving Department vehicles/equipment and personal injury or death are reported to the proper area administrator and the Organizational Development Bureau by the quickest means possible.

#### **Report of Incident-Property**

Incident Reports (Property) are required under the following conditions:

- State-owned property damage (other than vehicle or equipment, which might involve the state in future or subsequent litigation).

- Fire, theft or vandalism occurs involving State property (other than licensed motor vehicles.)
- Damage caused to Department property by natural disaster.

### **Report of Incident-Theft**

When any MDT property is stolen, the original and required number of copies of the Incident Report and Supervisor's Investigation Report must be sent to the Organizational Development through the Area office.

### **Report of Incident-Other**

Report of Incident (Other) is to be used for the following:

- Fatalities involving general public, as a result of an accident or injuries involving general public on state property.
- Damage to public property by state property other than state-owned vehicles or equipment.
- Equipment and vehicle accidents involving the general public occurring in construction or maintenance work zones.

Report all incidents to the supervisor as soon as possible, but no later than the end of the shift when the incident occurred or became known. Give details of the situation, including signing, protection provided and action taken by MDT employees to alleviate the situation. Pictures and substantiating reports should be submitted if available.

It is the supervisor's responsibility to collect all related data, complete an Incident Report form, and submit the original and required number of copies of the report to the area office who will submit the report to Organization Development Bureau, Helena within 10 working days.

### **Personal Injury Accidents**

Employees need to promptly report on-the-job injuries to their immediate supervisor. Montana Worker's Compensation and Occupational Disease Laws require employers to report employee injuries to the State Compensation Insurance Fund within six days from the date of injury.

The supervisor will complete the Supervisor's Investigation Report Form 30. The supervisor will report to the District/Area Office. The District/Area Office will complete the State Compensation Insurance Fund Telephone Reporting Work Sheet and call the information to the State Fund at 1-800-332-6102, Ext 1693.

For more information on the process for filling out forms, check MDT Employee Safety Policy and Procedures Manual-“ Reporting Procedures” p. 4.

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#### **Supervisor's Investigation Report**

The purpose of the Supervisor's Investigation Report is to identify, without placing blame, the factors that contribute directly or indirectly to the accident. The report will be used to determine injury and rates, identify trends or problem areas, permit comparisons and satisfy worker's compensation requirements. The immediate supervisor is responsible for investigating all personal injury, vehicle and equipment accidents.

When conducting the investigation, the supervisor should objectively analyze what led up to the accident. Check the Safety Manual -"Reporting Procedures", p. 5 for a set of questions to help with the investigation and filling out the report.

#### **Hazardous Material Accidents**

In the event an employee encounters an accident in which hazardous materials are suspected he/she should:

- report the accident to the supervisor and area office.
- report as much information as possible, without risking personal injury, including placard number, type of vehicle, and noticeable leaks.

Maintenance employees will not assist in cleaning up hazardous materials unless MDT management has approved the cleanup.

#### **Providing First Aid**

First aid is the immediate temporary treatment given in case of injury or sudden illness before the services of trained medical personnel can be secured. Employees should strive to assist fellow employees and the public whenever possible. First aid should be limited to the employee's training and ability. In order to provide timely assistance, employees should familiarize themselves with the location of emergency medical services and first aid supplies.

### **1.13 Accounting and Reporting**

Each employee is responsible for daily completion of his or her personal time. Time sheets are submitted at the end of each pay period. Accounting requires the inclusion of

- Daily work and leave hours.
- Correct employee information-name and employee number.
- Overtime.
- Proper coding for responsibility centers.
- Employee's signature.
- Supervisor's signature.

#### **Per Diem**

Per Diem is the daily allowance paid for expenses incurred while the employee is on approved travel status. The rate paid for per diem is established by the legislature and includes set amounts for breakfast, lunch, dinner and lodging. Check with the local payroll technician about rates, requirements, and restrictions involved with per diem.

### **Travel Advances**

When employees are required to travel overnight on Department business, they are eligible for per diem and they may request an advance to cover anticipated travel expenses. Check with supervisor on how to secure a travel advance.

### **Equipment Usage Report**

The Equipment Usage Report is part of the Equipment Management System. Maintenance employees are required to fill out an Equipment Usage Report daily for each vehicle they use. The report is sent into area headquarters at the end of the pay period.

The form reports:

- Mileage for equipment such as trucks.
- Hours for equipment such as loaders.
- Record of servicing.
- An entry where operators may request repairs or maintenance.

### **Maintenance Management System (MMS) Report**

The maintenance crews do complete the MMS report daily. The Field Maintenance Supervisors submit the completed work form to the Area office at the end workweek. The report includes code numbers for assigned activities and work units. The activity-work unit has been designed as a unit or measure to determine the amount of work done. The unit of work is one that physically measures the amount of work such as volume, area or linear measurement. When the activity is such that a physical measurement of the work is not appropriate, a quantity of material used to perform the work is used, such as gallons of paint. When neither of these work units is appropriate, an employee hour measurement is assigned to the activity. Refer to the MMS manual for further information.

## **1.14 Use of State Equipment**

Employees are prohibited from using state equipment or vehicles for personal and private use. Exception to this policy, are under 3-0130.3 of the Montana Operations Manual Volume III.

## **1.15 Driver's License Requirements**

Employees who operate state vehicles are required to possess a valid license. Maintenance employees are required to have a Commercial Driver; License (Class A, Type II) with the following endorsements: hazardous material, tanker and air brakes.

### **Drug and Alcohol Testing Policy**

The purpose of this policy is to assure worker fitness for duty and to protect MDT employees and the public from the risks posed by the use of alcohol and prohibited substances. The US Department of Transportation requires mandatory urine drug testing and breath alcohol testing for persons who are subject to the Commercial Drivers License

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(CDL) requirements and safety-sensitive functions. See Montana Operations Manual, Personnel Policies and Procedures Manual, Volume III for more information on testing requirements.

Drinking alcohol or using a controlled substance when driving a commercial vehicle can result in loss of driving privileges.

#### **1.16 References**

Montana Operations Manual, Personnel Policies and Procedures Manual, Volume III  
MDT Employee Manual  
MDT You and Me and Workplace Harassment  
Montana State Employee Handbook 2000  
MDT Discrimination Complaint Procedures  
MDT Employee Guide to Alcohol and Drug Testing  
Ethics Standards of Conduct for State Employees  
Incident Reports  
Supervisor Investigation Reports  
MDT Safety Policy and Procedures Manual  
Equipment Usage Report  
Maintenance Management System Manual  
MDT Public Involvement Handbook