

ORDINANCE NO. 630

AN ORDINANCE AMENDING SECTION 35, MILITARY LEAVE, AND ADDING SECTION 48, BREAST FEEDING IN THE WORKPLACE, TO THE POLSON PERSONNEL MANUAL TO BRING THE MANUAL INTO COMPLIANCE WITH AMENDED LAWS.

Whereas, the City Council of the City of Polson, has adopted a Personnel Manual; and,

Whereas, the contents of the Personnel Manual are predicated in part on Federal and state laws and regulations; and,

Whereas, the said Federal and state laws and regulations are amended from time to time; and,

Whereas, it is the intent of the City Council to provide by its Personnel Manual an updated and ready reference to all employees regarding the rights and responsibilities associated with their employment by the City of Polson; and,

Whereas, there have been amendments to several laws that affect the Personnel Manual, and the City Council desires hereby to amend its Personnel Manual to reflect compliance with applicable laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

1. Section 35, Military Leave, of the Personnel Manual is amended to read as follows:

“The City of Polson shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act (USERRA, 38 USC Sec. 4301, [4321] et seq) as well as all relevant state laws (to include Montana Military Service Employment Rights Act, MCA 10-1-1001 to 10-1-1027 et seq) as well as all relevant state laws covering members of the Montana Army and Air National Guard. An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six months shall be given leave of absence with pay for a period of time not to exceed 15 working days in a calendar year. It can be for attending regular encampments, training cruises, and similar training programs of the military forces of the United States. This leave will not be charged against the employee’s annual vacation time. Employees employed less than six months are entitled to unpaid leave for the purposes listed above. Military leave does not include regularly scheduled drills (Active Duty for Training - ADT).”

2. The Personnel Manual is amended to include the following new Section 48, Breast Feeding in the Workplace Policy:

“Women returning from maternity leave who wish to continue breastfeeding or separate expression of milk for their child(ren) will be provided a private space (other than a toilet stall) with suitable lighting and electricity if necessary for pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily utilized with additional unpaid break time provided as mutually agreed upon. Additionally, the City will make every effort to provide suitable facilities for milk storage during the employee’s daily work period. All requirements listed in MCA 39-2-215, 39-2-216, 39-2-217, whether or not specifically listed here, will be complied with.”

REPEALING CLAUSE: All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: October 1, 2007.

SECOND READING: October 15, 2007.

NOW, THEREFORE, the foregoing Ordinance shall become effective on November 15, 2007.

PASSED AND ADOPTED THIS fifteenth day of October, 2007.

Jules Clavadetscher, Mayor

ATTEST: _____
Aggi Loeser, City Clerk

Approved as to form: _____
James Raymond,
Raymond Law Office, PLLC
Polson City Attorney