



# MISSOULA AREA EDUCATION COOPERATIVE

# POLICY MANUAL

AUGUST 2024

# TABLE OF CONTENTS

## 1. Management Council

Legal Status and Organization	1000
Organization	1005
Governance	1010
Qualifications, Terms and Duties of Management Council Officer	1015
Management Council Meetings	1020
Management Council Meeting Procedure	1023
Management Council Policy	1025
Management Council Conflict of Interest	1027
Council Member Conflict of Interest – Hiring Family Members	1027P
Complaint Procedure	1030
Records Management and Access to Public Records	1035

## 2. Personnel

Equal Employment Opportunity	2000
Sexual Harassment	2005
Hiring Process and Criteria	2010
Criminal Background Investigations	2015
Drug and Alcohol-Free Workplace	2020
Employment and Assignment	2025
Abused and Neglected Child Reporting	2030
Prohibition on Aiding & Abetting Sexual Abuse	2032
Staff Ethics and Political Activity	2035
Personnel Records	2040
Insurance Benefits for Employees	2045
Leave of Absence	2050
Family Medical Leave	2053
Holidays	2055
Evaluation of Non-Administrative Staff	2060
Disciplinary Action	2065
Bullying/Harassment/Intimidation	2067
Termination of Employment	2070
Employee Electronic Services	2075
Privacy of Medical Records	2080
Travel for Cooperative Business	2085
Breastfeeding in the Workplace	2090
Conflicts of Interest	2095

## 3. Administration

Director	3000
Business Manager	3005

#### **4. Operational Services**

Prime Agency	4000
Distribution and Expenditure of Funds	4005
Fiscal and Business Management	4010
Purchasing	4015
Procurement of Supplies, Materials, Equipment and Services	
Using Federal Funds	4017
Travel Allowances and Personal Reimbursements	4020
Accounting and Audits	4025
Insurance Management	4035
Employee Safety	4040

MANAGEMENT COUNCIL

Legal Status and Organization

The Management Council of the Missoula Area Education Cooperative is the entity established by the Interlocal Agreement to plan and direct all aspects of the Cooperative's operations to the end that the students of member schools shall be offered full services pursuant to state and federal law.

The policies of the Management Council define the organization of the Council and the manner of conducting its official business. The Management Council's operating policies are those that the Council adopts from time to time to facilitate the performance of its responsibilities.

Legal References:	§ 20-7-451, MCA	Authorization to create full service education cooperative
	§ 20-7-452, MCA	Detailed contents of full service education cooperative contracts
	10.16.3902, ARM	Management Board

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

MANAGEMENT COUNCIL

Organization

The legal name of the Cooperative is the Missoula Area Education Cooperative. The Cooperative organization consists of the following member schools and their representatives: Arlee, Charlo, St. Ignatius, Dixon, Superior, Alberton, DeSmet, Lolo, Bonner, Clinton, Woodman, Swan Valley, Seeley Lake Elementary, Potomac and Sunset. Each District shall appoint an authorized representative and shall exercise one vote each.

Except as provided by the master contract and individual contracts, the Management Council shall exercise the full authority granted to it by the laws of the State of Montana.

Legal References:	§ 20-7-452, MCA	Detailed contents of full service education cooperative contracts
	10.16.3902, ARM	Management Board

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

MANAGEMENT COUNCIL

Governance

One representative will be selected by the Board of Trustees from every District to serve on the Joint Advisory Board, and that representative shall exercise one vote on behalf of the member District. Annual designation of individual representatives shall be by formal action of the contracting Board of Trustees. The Joint Advisory Board shall review the financial management and approve the fiscal budget of the Cooperative on an annual basis. The Joint Advisory Board will annually appoint from its membership five (5) members to serve on the Management Council. The Cooperative shall be governed by its Management Council members.

Official action of the Management Council may only occur at a duly called and legally conducted meeting. A “meeting” is defined as the convening of a quorum of the constituent membership of the Management Council, whether in person or by means of electronic equipment, to hear, discuss or act upon a matter over which the Council has supervision, control, jurisdiction or advisory power.

Except as herein provided, the powers and duties of the Management Council shall also include the power and duty to:

- (1) Direct employees;
- (2) Employ, dismiss, promote, transfer, assign, and retain employees;
- (3) Relieve employees from duties because of lack of work or funds under conditions where continuation of such work would be inefficient and non-productive;
- (4) Maintain the efficiency of Cooperative operations;
- (5) Determine the methods, means, job classifications, and personnel by which Cooperative operations area to be conducted;
- (6) Take whatever actions may be necessary to carry out the mission of the Cooperative in situations of emergency; and
- (7) Establish the methods and processes by which work is performed.

The Management Council may delegate any of these duties to appropriate staff members as provided by law.

Legal References:	§ 20-7-452, MCA	Detailed contents of full service education cooperative contracts
	10.16.3902, ARM	Management Board

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on:

MANAGEMENT COUNCIL

Qualifications, Terms and Duties of Management Council Officers

The Management Council officers are the Chair and Vice Chair. These officers are elected annually no later than the June Council meeting.

The Management Council elects a Chair and Vice Chair from its members for a 1-year term. The duties of the Chair are as follows:

- preside at all regular and special Council meetings and conduct the meetings in the manner prescribed by the Council's policies; and
- sign all papers and documents as required by law and as authorized by the Management Council.

The Chair may participate in all Management Council meetings in a manner equal to all other Council members.

In the absence of the Chair at a meeting, the Vice Chair shall act in the place of the Chair. In the event of the resignation, incapacity, or death of the Chair, the Vice Chair shall assume the position of Chair until the next annual election.

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on:



MANAGEMENT COUNCIL

Management Council Meetings

The Management Council shall determine the time and place of its regular and special meetings. The Director, in consultation with the Chair, shall prepare the agenda and distribute it to Management Council members at least forty eight (48) hours prior to the meeting. The Business Manager shall take minutes of all open sessions of the Management Council.

*Regular Meetings*

The Management Council shall meet one time per month for its regular meeting. Notice shall be posted in all Cooperative school districts prior to the scheduled meeting.

*Special Meetings*

Special meetings may be called by the Management Council Chair or by any 2 members of the Council. A written notice of a special meeting, stating the purpose of the meeting, must be provided to each Management Council member not less than 48 hours prior to the time of the meeting. Written notice shall also be sent not less than 24 hours prior to the meeting to each newspaper and radio or television station that has filed a written request for such notices.

*Closed Session of Any Meeting*

The Management Council may hold closed sessions to consider matters of individual privacy or to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the Cooperative. Prior to closing the meeting to consider matters of individual privacy, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure. The litigation strategy exception is not available if the litigation involves only public bodies or associations as parties.

Legal Reference:	§ 2-3-203, MCA	Meetings of public agencies open to the public
	§ 2-3-212, MCA	Minutes of meetings

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on:

MANAGEMENT COUNCIL

Meeting Procedure

*Agenda*

All meetings shall be guided by an agenda prepared and delivered in advance to all Council members and to other persons upon request. The Director shall prepare agendas in consultation with the Chair or presiding officer. Items submitted by Council members or other individuals may be included on the agenda. Individuals or groups that would like to address the Council must notify the Director in writing at least 5 working days prior to the regular Council meeting. The notification must include the reason for the request. The Director and Chair may determine that the individuals or groups must follow the uniform grievance procedure in order to appear before the Council, and refer the individuals or groups to the appropriate step on that procedure.

All agendas must contain a public comment section to allow members of the public to comment on any public matter under the jurisdiction of the Council that is not specifically listed on the agenda. Contested cases and other adjudicative proceedings are not appropriate topics in the public comment section. The presiding officer may place reasonable time limits on the comments received during this section of the meeting to ensure effective and efficient operations of the Council. The Council may not take action on any matter discussed in the public comment section.

Packets will be distributed to Council members not less than 48 hours prior to the meeting. This material shall be available to the public not less than 48 hours prior to the meeting.

*Quorum*

Three members shall constitute a quorum of the Council. If there is less than a quorum present at a Council meeting, the members may not hear, act upon or discuss any business. Council members may be present physically or present via electronic means to establish a quorum. Unless otherwise provided by law, affirmative votes by a majority of the membership of the Council are required to approve any action under consideration.

*Minutes*

The business manager or the business manager's designee shall keep written minutes of all meetings which must be open to the public. The approved minutes must be signed by the Chair and the business manager. The minutes must include:

- the date, time and place of the meeting;
- the name of the presiding officer;
- a record of Council members present and absent;
- a summary of the discussion on all matters discussed, proposed, deliberated or decided, and a record of any motions made and votes taken;
- a detailed statement of all expenditures;
- the purpose of recessing into closed session; and
- the time of adjournment.

The Council shall keep minutes of all closed sessions. Minutes taken during closed sessions shall be sealed.

The Chair may direct the business manager to make a verbatim record of any meeting. Any verbatim recording may be destroyed after the minutes are approved. A file of permanent minutes of all meetings shall be maintained in the office of the business manager. A written copy of the minutes shall be made available to the public within 5 days following approval by the Council. Sealed minutes taken during any closed session of the Council shall not be made available to the public absent a court order.

If the meeting is audio recorded and designated by the Council as the official record, a written record of the meeting must also be made and must include the information specified above. In addition, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

#### *Meeting Conduct and Order of Business*

The Council will use general rules of parliamentary procedure to govern the conduct of its meetings. *Robert's Rules of Order* may be used as a guide at any meeting, although rules adopted by the Council and any laws or regulations of the State of Montana in conflict with *Robert's Rules of Order* shall take precedence. The order of business for each meeting shall be set out on the agenda. The Council may change the order of business by consent or by majority vote.

#### *Voting Method*

Unless otherwise provided by law, when a vote is taken upon any measure before the Council, a majority of the votes cast shall determine its outcome. Voting shall be by acclamation or show of hands. The use of proxy votes or secret ballots is not permitted.

Council members are encouraged to vote on all issues before the Council unless they are prohibited by law from voting on the matter. A trustee may abstain from voting on any issue before the Council.

*Public Participation*

The Council recognizes the value of public participation and encourages the public to attend and participate in its meetings. In order to permit the orderly and fair expression of such participation, the Council will solicit oral and/or written comments prior to a final decision on a matter of significant interest to the public. The Chair may place reasonable time limits on public comment, and may interrupt or terminate any statement that is out of order, personally directed, abusive, obscene, or too lengthy.

Members of the public are encouraged to make comments during the public comment section of the agenda on matters that are of public concern and that are not on that particular agenda. The Chair will recognize individuals or groups for public comment on agenda items after the Council has discussed the issue. Comments may be presented orally or in writing for the Council's consideration.

Legal Reference:	§ 2-3-202, MCA	Meeting defined
	§ 2-3-101, MCA	Public participation
	§ 2-3-212, MCA	Minutes of meetings
	§ 2-3-301, MCA	Agency to accept public comment electronically -- dissemination of electronic mail address and documents required -- prohibiting fees

Cross Reference:

Policy History:

Adopted on: September 7, 2011

Revised on:

MANAGEMENT COUNCIL

Management Council Policy

It is the intent of the Management Council to develop written policies to serve as guidelines and goals for the successful and efficient functioning of the Cooperative. The policies are framed and are meant to be interpreted in terms of state statute, administrative rules, and all other regulatory agencies within our local, county, state, and federal levels of government. The policies are also framed and are meant to be interpreted in terms of those educational objectives, procedures, and practices that are broadly accepted by leaders and authorities in the public education field.

Changes in needs, conditions, purposes, and objectives will require revisions, deletions, and additions to the policies of the current Management Council and those of the future. The Management Council welcomes suggestions for ongoing policy development.

Policy proposals and suggested amendments to or revisions of existing policies shall be submitted in writing prior to a regularly scheduled Council meeting. All new or amended policies become effective upon adoption, unless a specific effective date is provided in the motion for adoption. Minutes of each meeting shall reflect any readings and action taken.

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on:

MANAGEMENT COUNCIL

Management Council Conflict of Interest

Council members are expected to be familiar with and observe those provisions of Montana law that define their authority and govern conflict of interest. Council members shall not only adhere to all laws regarding conflict of interest, but also to be alert to situations that may have the appearance of a conflict of interest and to avoid actions that might compromise himself or herself or the Management Council. Therefore, a Management Council member may not:

- (1) engage in a substantial financial transaction for the Council member’s private business purpose with a person whom the Council inspects or supervises in the course of official duties;
- (2) perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the Council has a substantial financial interest or is engaged as counsel, consultant, representative or agent;
- (3) act as an agent or solicitor in the sale or supply of goods or services to the Cooperative;
- (4) have a pecuniary interest, directly or indirectly, in any contract made by the Management Council when the Council member has more than a 10% interest;
- (5) be employed in any capacity by the Cooperative;
- (6) perform an official act directly and substantially affecting a business or undertaking to its economic detriment a business or other undertaking in which the trustee has a substantial personal interest in a competing firm or undertaking; or
- (7) take part in the appointment or employment of any person related or connected by blood within the 4<sup>th</sup> degree or by marriage within the 2<sup>nd</sup> degree, except as provided by statute.

Legal References:	§ 20-9-204, MCA	Conflict of interest
	§ 20-1-201, MCA	School officers not to act as agents
	§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful -- exceptions -- publication of notice.
	§ 2-2-105, MCA	Ethical Requirements for Public Officers and Public Employees
	§ 2-2-121, MCA	Rules of Conduct for Public Officers and Public Employees

Cross Reference:

Policy History:

Adopted on: August 6, 2010  
Revised on:

MANAGEMENT COUNCIL

Council Member Conflict of Interest – Hiring Family Members

Montana law provides that a Management Council member may not appoint or hire any person who is related to that Management Council member by blood within the 4<sup>th</sup> degree or by marriage within the 2<sup>nd</sup> degree, except as provided by law. The exceptions are as follows:

- (1) The Management Council may hire a person otherwise prohibited by law if all the Council members, with the exception of any Council member who is related to the person being appointed and who must abstain from voting for the appointment, approve the appointment of a person related to the Council member;
- (2) The Management Council may hire a person otherwise prohibited by law as a substitute employee;
- (3) The Management Council may renew the employment contract of a person who was initially hired before the Management Council member was selected; and
- (4) The Management Council may hire election judges without regard to prohibition stated above.

Prior to the appointment of a person referred to in subsection (1) above, written notice of the time and place for the intended action must be published at least 15 days prior to the intended action in a newspaper of general circulation in the county.

Legal References: 2-2-302, MCA Appointment of relative to office

Cross Reference:

Procedural History:

Adopted on: August 6, 2010

Revised on:



MANAGEMENT COUNCIL

Complaint Procedure

Students, parents, employees or community members may file a complaint in accordance with this complaint procedure, if they believe that the Management Council, its employees or agents have violated their rights guaranteed by the State or federal constitutions, State or federal statutes, or Council policy. These procedures do not apply to complaints of sexual harassment-under Title IX of the Education Amendments of 1972 or disability under Section 504 of the Rehabilitation Act of 1973. Separate procedures apply for complaints arising these laws.

The Cooperative will endeavor to respond to and resolve all complaints without the need to resort to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to a prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure may not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

*Filing a Complaint*

The Complainant may file a complaint with the Director, or with the Management Council if the complaint is against the Director. The Director or the Management Council may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with the Complainant.

*Investigation*

Within 15 calendar days of the date the complaint was filed, the Director or the Chair of the Management Council will investigate the complaint or appoint a qualified person to undertake the investigation on his/her behalf. The complaint or identity of the Complainant will not be disclosed except (1) as required by law or this policy; (2) as necessary to fully investigate the complaint; or (3) as authorized by the Complainant. The Director, Management Council Chair or investigator shall prepare a written report summarizing the investigation.

*Decision and Appeal*

Within 7 calendar days of receipt of the written report, the Director or Management Council Chair shall issue a written decision that shall be mailed to the Complainant. Within 7 calendar days of receipt of the decision, the Complainant may appeal the decision to the Council by making a written request to the Council Chair. Within 30 calendar days, the Council shall meet to affirm, reverse, or amend the decision or direct

the gathering of additional information. This meeting shall not be a de novo hearing, but a review of the written decision in the matter. Within 7 calendar days, the Complainant shall be informed of the Management Council's decision by mail.

*Retaliation*

Any individual participating in an investigation or proceeding under this policy shall notify the Director or Management Council if he or she believes that he or she is being retaliating against for participating in the investigation or proceeding. The Cooperative prohibits retaliation against individuals making complaints under this policy and participating in any investigation that may ensue. The Cooperative may discipline staff members determined to have retaliated against any individual for participating in an investigation or proceeding under this policy.

Cross Reference: Title IX Sexual Harassment Grievance Procedures  
Section 504 Grievance Procedures

Policy History:

Date Adopted: September 13, 2007

Date Amended:

MANAGEMENT COUNCIL

Records Management and Access to Public Records

The Cooperative is committed to effective records management including meeting legal standards for record retention and protection of privacy, optimizing the use of space, minimizing the cost of record retention, and properly destroying outdated records. This policy applies to all records, regardless of whether they are maintained in hard (paper) copy, electronically, or in some other fashion.

The Cooperative requires that its records be maintained in a consistent and logical manner and be managed so that the Cooperative:

1. Meets legal standards for protection, storage and retrieval;
2. Protects the privacy of students and employees of the District;
3. Optimizes the use of space;
4. Minimizes the cost of record retention; and
5. Destroys outdated records in an appropriate manner.

The Director shall establish appropriate records management procedures and practices, which shall be provided to staff members who manage records within the Cooperative. The Council acknowledges the importance of public records as the record of the acts of the Member Districts and the Cooperative. The Council acknowledges the public's right to inspect and copy the Cooperative's public records, with certain exceptions. Unless otherwise provided by law, a public record shall be accessible for inspection and duplication either by written or oral request. The Cooperative shall respond to all such requests within a reasonable period of time, generally not to exceed 10 business days. If the Cooperative cannot respond to the request within 10 business days, the records custodian shall notify the requestor in writing and provide a timeline for response to the request. If an oral request is not responded to within 10 business days, the requestor must put the request in writing.

The Director shall designate essential records which are immediately necessary to

- Respond to an emergency or disaster;
- Begin recovery or reestablishment of operations during and after an emergency or disaster;
- Protect the health, safety, and property of students and Cooperative employees; or
- Protect the assets, obligations, rights, history and resources of the Cooperative, its employees, and member districts.

The Cooperative will provide copies of all documents, including electronic communications, in the medium in which those documents exists. Reasonable fees shall be charged for copies as follows:

- copies of Council minutes at .15¢ per page;
- copies of other materials at .25¢ per page;
- the actual costs directly incident to fulfilling a records request in the most cost-efficient and timely manner possible, including but not limited to the time required to gather the requested information; and
- actual cost of purchasing the electronic media used for transferring data, if the person requesting the information does not provide the media;

The Cooperative shall comply with Montana law in addressing any unauthorized breaches of its computer data security system, including but not limited to complying with all disclosure and investigation requirements.

Legal References: § 2-6-1001 *et al*, MCA Public Records  
§ 39-31-303, MCA Management rights of public employees  
§ 30-14-1704, MCA Computer Security Breach

Cross Reference:

Policy History:

Adopted on: September 7, 2011

Revised on:

PERSONNEL

Equal Employment Opportunity

As required by federal law, including but not limited to the Civil Rights Act of 1964, Title IX, and Section 504 and the Americans with Disabilities Act and their regulations, the Cooperative shall provide equal employment opportunities to and will not discriminate in its educational programs or activities, including in the area of employment, with respect to all persons regardless of their race, color, creed, religion, national origin, sex, age, ancestry, marital status, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation, and other legally protected categories. For purposes of this policy, “sex” includes sexual orientation and gender identity and expression.

The Cooperative shall not retaliate against any employee for complaining about not receiving equal employment opportunities or other unlawful discriminatory practices, participating in a proceeding regarding the denial of equal employment opportunities, or other opposing discrimination. COVID-19 vaccine status will not be used as a basis to deny or allow equal opportunity to employment.

Persons who believe they have not received equal employment opportunities or have been retaliated against should report their claims to the Director. Inquiries regarding sex discrimination or sexual harassment may also be directed to the Cooperative’s Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education, or both. Claims of sexual harassment will be handled through the Cooperative’s Title IX Grievance Procedures. Claims of disability discrimination will be handled through the Cooperative’s Section 504 Grievance Procedures. All other claims will be handled through the Uniform Grievance Procedure. No employee or applicant will be discriminated against because he or she initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws. The Cooperative reserves the right to take action against any individual who knowingly makes false accusations or knowingly provides false information.

Cross Reference: 1030 Uniform Complaint Procedure  
Title IX Sexual Harassment Grievance Procedure  
Section 504 and ADA Grievance Procedure

Legal References: 29 USC § 621 et seq. Age Discrimination in Employment Act  
42 USC § 12111, et seq. Americans with Disabilities Act  
29 USC § 206 Equal Pay Act  
29 USC § 791 et seq. Rehabilitation Act of 1973  
42 USC § 2000(e) et seq. Title VII of Civil Rights Act  
20 USC 1681 et seq Title IX

§ 49-2-101, et seq. MCA Human Rights Act  
§ 49-1-102, MCA Freedom from discrimination  
§ 49-2-303, MCA Discrimination in employment  
Nondiscrimination on the Basis of Sex in Education, 34 C.F.R.  
Part 106  
House Bill 702 Prohibits Discrimination Based on  
Vaccine Status  
§ 50-16-502, MCA Legislative findings (Cited by House  
Bill 702)  
*Bostock v. Clayton County*, 140 S.Ct. 1731 (2020)

Cross References:

Policy History:

Adopted on:

Revised on:

PERSONNEL

Sexual Harassment

The Cooperative shall exercise due caution to provide employees an employment environment free of sexual harassment as defined and otherwise prohibited by State and federal law including Title IX and its implementing regulations, in the educational programs and activities it offers, including the area of employment. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Employees should report claims of sexual harassment to the Title IX Coordinator and/or use the Title IX Grievance Procedures. All formal complaints about behavior that may violate this policy shall be addressed through the District's Title IX Sexual Harassment Grievance Procedures. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation, or work assignments.

Legal References:	42 USC § 2000(e) et seq.	Title VII of Civil Rights Act
	20 USC 1681 et seq	Title IX
	§ 49-2-101, et seq. MCA	Human Rights Act
	§ 49-1-102, MCA	Freedom from discrimination

Cross References: Title IX Sexual Harassment Grievance Procedures

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Hiring Process and Criteria

Vacant positions may be advertised internally or through media sources. A vacancy need not be advertised as determined by the Director. The Director is responsible for recruiting personnel, in compliance with Management Council policy, and making hiring recommendations to the Management Council. The Cooperative shall hire the person who best meets the criteria consistent with budget and staffing requirements, and shall comply with Management Council policy on equal employment opportunities and veteran’s preference. The Director shall maintain current job descriptions for each position in the Cooperative. All applicants must complete the Cooperative application in order to be considered for employment, including a written authorization for a criminal background investigation. Applications shall be kept for 2 years after submission pursuant to law.

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to the commencement of work, the Cooperative may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the position description or the State. All medical information shall be maintained in a confidential file maintained by the Director and may be released only as permitted by law.

The Cooperative requires certified staff to hold valid Montana teacher or specialist certificates endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. Every teacher and specialist under contract must bring a current, valid certificate to the Cooperative office at the time of initial employment, as well as at the time of each renewal of certification.

Legal References: § 20-4-202, MCA Teacher and specialist certification registration  
§ 39-29-102, MCA Point preference or alternative preference in  
initial hiring for certain applicants –  
substantially equivalent selection procedure  
24.9.805, ARM Employment Records

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:



PERSONNEL

Criminal Background Investigations

Any finalist recommended to be employed in a paid or volunteer position with the Cooperative, involving regular unsupervised access to students in schools, as determined by the Director, shall submit to a name-based and fingerprint criminal background investigation conducted by the appropriate law enforcement agency. Any subsequent offer of employment or appointment will be contingent on results of the fingerprint criminal background check. This policy shall also be applied to an employee of a person or firm holding a contract with the Cooperative, if the employee is assigned to a member school, and the employee may have unsupervised access to students.

Any requirement of an applicant or employee of a contractor to submit to a fingerprint background check will be in compliance with the National Child Protection Act and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Director, who will decide whether the applicant will be declared eligible for appointment or employment. Arrests resolved without conviction will not be considered in the hiring process, unless the charges are pending. The Director shall keep all criminal record information confidential as required by law.

The Director shall develop and implement procedures governing background checks and related security issues.

Legal References:	42 USC 5119a	National Child Protection Act
	10.55.716, ARM	Substitute Teachers
	10.57.201a, ARM	Criminal History Background Check

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Tobacco, Drug and Alcohol Free Workplace

All Cooperative member districts are tobacco, drug, alcohol and tobacco free workplaces. All employees are prohibited from:

- Smoking or otherwise using a tobacco product, vapor product, or alternative nicotine product (tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, or any other tobacco or nicotine innovation) while on Cooperative premises or while performing work for the Cooperative;
- Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of a controlled substance while on Cooperative premises or while performing work for the Cooperative; and
- Distributing, consuming, using, possessing, or being under the influence of alcohol while on Cooperative premises or while performing work for the Cooperative.

Nothing herein prohibits an employee from using a smoking cessation product on school property. Upon prior notice and approval by a building administrator, a teacher or other employee may possess a tobacco product, vapor product, or alternative nicotine product in a classroom or otherwise on school property as part of a lecture, demonstration, or educational forum concerning the risks associated with the use of a tobacco product, vapor product, or alternative nicotine product.

For purposes of this policy, a controlled substance is one that is not legally attainable, being used in a manner other than as prescribed, legally obtainable but has not been legally obtained or referenced in federal or state controlled-substance acts. For purposes of this policy, a controlled substance includes medical marijuana. Any employee must notify his or her supervisor of a conviction under any criminal drug statute, for a violation while performing work for the District, no later than five (5) days after such conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the Cooperative will endeavor to:

- Provide each employee with notice of the Cooperative drug- and alcohol-free workplace policy;
- Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to Cooperative employees; and
- Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

An employee who violates this policy may be subject to disciplinary action, including termination. Should Cooperative employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Director will notify the appropriate state or federal agency from which the Cooperative receives contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction

Legal References:	20 USC 7101	Safe and Drug Free Schools & Community
	41 U.S.C. § 702 <i>et al.</i>	Act
	§ 20-1-220, MCA	Drug Free Workplace Act
	§ 50-46-101 <i>et al.</i> , MCA	Use of tobacco products in public school building or on public school property prohibited
	10.57.601a, ARM	Montana Medical Marijuana Act
		Definition of Immoral Conduct

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Employment and Assignment

Each certificated employee will be employed under a written contract, subject to the terms and conditions of the master contract and Cooperative policies. Renewal and non-renewal will be determined by the Management Council after receiving a recommendation from the Director and in conformance with law.

Each classified employee will be employed under a written contract for a specified term, with a beginning and ending date. Such employees shall have no expectation of continued employment from year to year, and contracts of employment may be renewed or non-renewed each year, at the Cooperative’s sole option. The Cooperative reserves the right to change employment conditions affecting an employee’s duties, assignment, supervisor, or grade. Classified employees will be subject to a 12-month probationary period.

*Assignment, Reassignment and Transfer*

The Director may assign, reassign, and/or transfer positions and duties of all staff, subject to any provisions contained in the master contract. The Director will provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff member during a school year.

Legal References:      § 39-2-912, MCA                      Exemptions (wrongful discharge)  
                                  10.57.601a, ARM                              Definition of Immoral Conduct

Cross References:

Policy History:

Adopted on:

Revised on:

PERSONNEL

Abused and Neglected Child Reporting

A Cooperative employee who knows or has reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a student may be abused or neglected by anyone, regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child’s welfare, shall report such a case to the Montana Department of Public Health and Human Services and notify the Director and the building administrator that a report has been made. An employee does not discharge the obligation to personally report by notifying the Director or building administrator.

Any Cooperative employee who fails to report a suspected case of abuse or neglect to the Department of Public Health and Human Services, or who prevents another person from doing so, may be civilly liable for damages proximately caused by such failure or prevention and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

When a Cooperative employee makes a report of abuse or neglect or suspicions thereof, the Montana Department of Public Health and Human Services may share information with that individual or others under 41-3-201(5), MCA. In such instance, Cooperative employees receiving information from the Montana Department of Public Health and Human Services regarding abuse and neglect reporting shall maintain the confidentiality of the information received.

Legal References:	§ 41-3-201, MCA	Reports
	§ 41-3-202, MCA	Action on reporting
	§ 41-3-203, MCA	Immunity from liability
	§ 41-3-205, MCA	Confidentiality – disclosure exceptions
	§ 41-3-207, MCA	Penalty for failure to report

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Prohibition on Aiding and Abetting Sexual Abuse

The Cooperative prohibits any individual who is a Cooperative employee, trustee, officer, contractor, or agent from assisting a current or former Cooperative or member school employee, contractor, or agent in obtaining new employment who know or has probable cause to believe that such person engaged in sexual misconduct regarding a minor or student in violation of law. Assisting a person in obtaining new employment does not include the routine transmission of administrative or personnel files.

This prohibition does not apply if the information giving rise to probable cause

1. Has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and any other authorities required by federal, state or local law, including, but not limited to Title IX; and
2. One of the following three circumstances has occurred:
  - a. the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified Cooperative or school officials there is insufficient information to establish probable cause that the Cooperative or school employee, contractor, or agent committed or attempted, solicited, or conspired to commit the violation of local, state, and/or federal law involving a minor or student;
  - b. the Cooperative or school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
  - c. the case or investigation remains open and there have been no charges filed against or indictment of the Cooperative or school employee, contractor, or agent more than four years from the date the information was reported to law enforcement.

Legal References: §§ 8038, 8556 Every Student Succeeds Act  
Title IX, 20 U.S.C. 1681 *et seq.*  
MCA § 20-4-110  
MCA §45-5-501, *et seq.*  
MCA §41-3-101 *et seq.*  
Senate Bill 132

Cross References:

Policy History:

Adopted on:

Revised on:

PERSONNEL

Staff Ethics and Political Activity

All Cooperative employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional relationships with students, parents, staff members, and others. Employees should not dispense or utilize any information gained from employment with the Cooperative, accept gifts or benefits, or participate in business enterprises or employment that creates a conflict of interest with the faithful and impartial discharge of the employee's Cooperative duties. A Cooperative employee, before acting in a manner that might impinge on any fiduciary duty, may disclose the nature of the private interest that would create a conflict. Care should be taken to avoid using or avoid the appearance of using official positions and confidential information for personal advantage or gain.

Further, employees must maintain confidentiality with respect to information pertaining to student records, employee records or confidential communications from staff. Employees also will respect the confidentiality of people served in the course of an employee's duties and use information gained in a responsible manner. The Director and/or Management Council may discipline, up to and including discharge, any employee who discloses confidential and/or private information learned during the course of the employee's duties.

No public officer or public employee shall retaliate against or condone or threaten to retaliate against an individual who, in good faith, alleges waste, fraud or abuse.

*Political Activity*

The Management Board recognizes its employees' rights of citizenship, including, but not limited to, engaging in political activities. A Cooperative employee may seek an elective office, provided the employee does not campaign on Cooperative or school district property during working hours, and provided all other legal requirements are met. An employee elected to office is entitled to take a leave of absence without pay.

Employees may not, in or on Cooperative or school district property, attempt to coerce, command, or require another to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue. Employees may not solicit support for or in opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue, while on the job or in or on Cooperative or school district property. Employees may not use the Cooperative or school district's electronic communication system for political activity, except as permitted by law.

Legal References: 5 USC 7321, et seq. Hatch Act



§ 2-18-620, MCA	Mandatory leave of absence for employees holding public office - return requirements
§ 13-35-266, MCA	Unlawful acts of employers and employees
§ 41-3-205, MCA	Confidentiality – disclosure exceptions
House Bill 208	Retaliation Unlawful

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Personnel Records

The Cooperative maintains a complete personnel record for every current and former employee. The employees' personnel records will be maintained in the Cooperative's administrative office, under the Director's supervision. Employees and their designees will be given access to their personnel records, in accordance with guidelines developed by the Director. In addition to the Director or other designees, the Management Council may grant a member of the Council access to cumulative personnel files. Counsel retained by the Management Council will also have access to a cumulative personnel file. Personnel files shall be maintained for 10 years after the employee's separation from employment.

No material derogatory to an employee's conduct, service, character, or personality shall be placed in the file, unless such placement is authorized by the Director, as indicated by her initials, and unless the employee has had the opportunity to read the material. The employee shall be entitled to respond to the material and to have that response placed in the file, if requested in a reasonable period of time, not to exceed 10 working days.

The Cooperative shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is assigned to a member school receiving Title I funds.

The Director shall develop procedures regarding the content, maintenance and access to personnel records maintained by the Cooperative.

Legal References:	20 USC 6301	No Child Left Behind Act
	29 USC 201, et seq	Fair Labor Standards Act
	§§ 2-6-1001 et al MCA	Public Records
	24.9.805, ARM	Employment Records

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Insurance Benefits for Employees

Certified employees are eligible for insurance benefits offered by the Cooperative as stated in the current master contract. Classified employees who are a .5 FTE or greater are eligible for a single insurance benefit not to exceed the amount agreed to in the current year master contract or the actual cost of the benefit, whichever is less. Specific benefit information for classified employees may be contained in the individual contracts of such employees.

Legal References:	§ 2-18-702, MCA	Group insurance for public employees and officers
	§ 2-18-703, MCA	Contributions

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Leave of Absence

The Cooperative provides leave to its employees pursuant to Montana law, master contracts and individual contracts. Those employees in paid leave status continue to accrue seniority and are eligible for Cooperative benefits. Employees in unpaid leave status do not accrue seniority and may not be eligible for benefits through the District.

*Sick Leave and Bereavement Leave*

Certified employees will be granted sick leave according to terms of the master contract. Administrators and classified employees shall be granted sick leave pursuant to Montana law governing public employees. Unless otherwise stated by contract, “sick leave” means a leave of absence, with pay, for an illness suffered by an employee or a member of the employee’s immediate family. “Immediate family” means the employee’s spouse, parents, spouse’s parents, or child (including step-children.) Classified employees will be granted five (5) days of paid bereavement leave; additional bereavement leave to be granted at the discretion of the Director.

*Personal and Emergency Leave*

Certified employees will be granted personal and emergency leave according to the terms of the master contract. Administrators will be granted personal and emergency leave pursuant to the terms of their individual contracts, or at the discretion of the Management Council. Classified staff may be granted personal and emergency leave in the discretion of the Director. Personal and emergency leave is without pay unless otherwise stated.

*Civic Duties Leave*

Employees shall be granted leave for service on a jury, in the Legislature or in response to a subpoena in accordance with state. The Cooperative will notify employees of any reimbursement requirements in the employee handbook.

*Military Leave*

Employees shall be granted leave for service in the military in accordance with state and federal law. The Cooperative will comply with all federal regulations regarding the employee’s return to service following military leave.

*Vacation Leave*

Administrators and classified employees will be granted vacation leave pursuant to Montana law. The Cooperative, in its sole discretion, may provide cash compensation for unused vacation leave in lieu of the accumulation of vacation leave.

*Maternity Leave*

The Cooperative will provide maternity leave to its employees pursuant to Montana law and the Family Medical Leave Act.

Legal References:	§ 2-18-601, MCA	Definitions
	§ 2-18-618, MCA	Sick Leave
	§ 2-18-619, MCA	Jury duty – service as witness
	§ 2-18-620, MCA	Mandatory leave for employees holding public office – return requirements
	§ 49-2-310, MCA	Maternity leave
	2.21.222, ARM	Calculating Annual Vacation Leave Credits

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Family Medical Leave

In accordance with provisions of the Family Medical Leave Act, a leave of absence of up to 12 weeks during a 12 month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee’s spouse, child, or parent with a serious health condition; or 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. The Council has determined that the 12 month period during which an employee may take FMLA leave is July 1 to June 30.

Subject to section 103 of the FMLA of 1993, as amended, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

An employee is eligible for FMLA leave, if the employee has been employed for at least twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date leave is requested.

Employees will be required to use appropriate paid leave while on FMLA leave. Workers’ compensation absences will be designated FMLA leave. The Director has discretion to require medical certification to determine initial or continued eligibility under FMLA, as well as fitness for duty.

Legal References:	29 USC 2601, et seq.	Family and Medical Leave Act
	29 USC 201, et seq	Fair Labor Standards Act
	§§ 2-6-1001 et al MCA	Public Records
	24.9.805, ARM	Employment Records

Cross References:

Policy History:

Adopted on: September 7, 2011

Revised on:

PERSONNEL

Holidays

Holidays for certified staff are dictated in part by the school calendar. Temporary employees will not receive holiday pay. Part-time classified employees will receive holiday pay on a prorated basis. The Cooperative will observe all school holidays for its administrators and classified staff.

When an eligible employee is required to work any of the school holidays, another day shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in addition to the employee's regular pay for all time worked on the holiday.

When one of the above holidays falls on Sunday, the following Monday will not be a holiday. When one of the above holidays falls on Saturday, the preceding Friday will not be a holiday. When a holiday occurs during a period in which vacation is being taken by an employee, the holiday will not be charged against the employee's annual leave.

Legal References: § 20-1-305, MCA School holidays

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Evaluation of Non-Administrative Staff

Each non-administrative staff member's job performance will be evaluated by the Director. The evaluation process includes scheduled annual evaluations using forms applicable to the job classification and description, and day-to-day appraisals. Certified staff members shall be evaluated according to the terms stated in the master contract.

The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and filed in the staff member's personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Director. Staff members may have up to 10 working days to submit a rebuttal to the evaluation for inclusion in the file.

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:



PERSONNEL

Disciplinary Action

Cooperative employees who fail to fulfill their job responsibilities or to follow reasonable directions of their supervisors, or who conduct themselves on or off the job in ways that affect their effectiveness on the job, may be subject to disciplinary action up to and including termination. Behavior, conduct, or action that may call for disciplinary action or dismissal includes, but is not limited to, reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the Cooperative or member school district’s operation, or other legitimate reasons.

Discipline will be reasonably appropriate to the circumstance and will include, but not be limited to, a supervisor’s right to reprimand an employee and the Director’s right to suspend an employee, with or without pay, or to impose other appropriate disciplinary sanctions. In accordance with Montana law, only the Management Council may terminate an employee or non-renew employment.

The Cooperative member school districts maintain tobacco and vapor product free buildings and grounds. Use of tobacco or vapor products will not be allowed in member school district buildings or grounds. Tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, alternative nicotine product, or any other tobacco or nicotine innovation.

Legal References:	§ 16-11-302, MCA	Definitions
	§ 20-1-220, MCA	Use of tobacco product in public school building or on public school property prohibited
	§ 39-2-903, MCA	Definitions

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Bullying/Harassment/Intimidation

The Management Council will strive to provide a positive and productive working environment. Bullying, harassment, or intimidation between employees or by third parties are strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices (“cyberbullying”).

Definitions

1. “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to member school grounds, at any Cooperative-sponsored activity, or anywhere such conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with Cooperative purposes or an educational function, and that has the effect of:
  - a. Physically harming an employee or damaging an employee’s property;
  - b. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
  - c. Creating a hostile working environment.
2. “Electronic communication device” means any mode of electronic communication, including but not limited to computers, cell phones, PDAs, or the internet.
3. “Third parties” include but are not limited to parents, service contractors or others engaged in Cooperative business, such as employees of businesses or organizations participating in Cooperative programs and others not directly subject to Cooperative control.

Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of harassment, intimidation, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the Cooperative Director, who has overall responsibility for such investigations. Complaints against the Cooperative Director shall be filed with the Management Council.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

### Responsibilities

The Cooperative Director shall be responsible for ensuring that notice of this policy is provided to staff and for the development of administrative regulations, including reporting and investigative procedures, as needed.

### Consequences

Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and including termination of employment. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Cooperative Director or the Management Council. Individuals may also be referred to law enforcement officials.

### Retaliation and Reprisal

Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Management Council policy, whether or not a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Legal Reference:      Admin. R. Mont. 10.55.701(3)(g)      Board of Trustees  
                                 Admin. R. Mont. 10.55.801(1)(d)      School Climate

### Policy History:

Adopted on: August 14, 2012

Reviewed on:

Revised on:

PERSONNEL

Termination of Employment

*Dismissal and Non-renewal*

The Management Council, after receiving the recommendation of the Director, will determine the non-renewal or termination of certified and classified staff, in conformity with state statutes and applicable Cooperative policies.

*Resignation*

Certified and classified personnel will generally be expected to fulfill the terms of their contracts, unless clearly compelling, mitigating circumstances prevent the individual from doing so. The Director is authorized to accept the resignation of an individual employee and must report such resignation to the Management Council at the next regularly scheduled meeting. A certified employee who resigns after signing a contract with the Cooperative may face disciplinary action related to the employee's certificate.

*Reduction in Force*

The Management Council has exclusive authority to determine the appropriate number of employees. A reduction in employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial considerations, or other reasons deemed relevant by the Management Council. The Management Council will follow the procedure stated in the master contract when considering a reduction in force of certified staff. The Management Council will consider performance evaluations, staff needs, and other reasons it deems relevant, in determining order of dismissal when it reduces classified staff or discontinues some type of educational service.

*Payment of Wages Upon Termination*

When a Cooperative employee quits, is laid off, or is discharged, wages owed will be paid on the next regular pay day for the pay period in which the employee left employment or within fifteen (15) days, whichever occurs first. In the case of an employee discharged for allegations of theft connected to the employee's work, the Cooperative may withhold the value of the theft, provided the employee agrees in writing to the withholding or charges have been filed with law enforcement within 7 business days of separation. If no charges are filed against the employee within thirty (30) days of the filing of the report with law enforcement, wages are due upon the expiration of the thirty (30) day period.



PERSONNEL

Employee Electronic Services

The Cooperative and its member schools provide computers, networks, and Internet access to enhance the curriculum and learning opportunities for students and school system staff. Employees are to utilize the Cooperative and/or school system's computers, networks and Internet services for school system related purposes and performance of job duties. Incidental personal use of Cooperative and/or school system computers is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations, or other system users. "Incidental personal use..." is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures, and rules.

General examples of *unacceptable* uses that are prohibited include, but are not limited to the following:

1. Any use that is illegal or in violation of other policies, including harassing, discriminatory or threatening communications and behavior;
2. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive;
3. Any inappropriate communications with students or minors;
4. Any use for private financial gain or commercial advertising or solicitation purposes;
5. Any use as a forum to solicit membership in or support of any non-school sponsored organization; or to raise funds for any non-school purpose, whether profit or non-profit. No employee shall knowingly provide school e-mail addresses to outside parties whose intent is to communicate with school employees, students and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from their immediate supervisor;
6. Any communication that represents personal views as those of the school system or any school unit or that could be misinterpreted as such;
7. Any use of unauthorized, personal networking hardware;
8. Downloading or loading of software applications without permission;
9. Opening and forwarding any e-mail attachments from unknown sources;
10. Any misuse or damage to the school system's computer equipment; and
11. Misuse of computer passwords or accounts, including providing personal passwords to non-school system personnel.

The employee is responsible for his/her actions and activities involving Cooperative and/or school unit computers, network and Internet services, and for his/her computer files, passwords and accounts. The Cooperative and/or school system retains control,

custody and supervision of all computers, networks, and Internet services owned or leased by the Cooperative and/or school system. The Cooperative and/or school system reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of privacy in their use of Cooperative and/or school computers, including e-mail messages and stored files.

Employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential.

Employees shall be responsible for any losses, costs or damages incurred by the school system related to violations of this policy and/or rules.

The Cooperative assumes no responsibility for any unauthorized charges made by employees including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use on its computers.

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Privacy of Medical Records

It shall be the policy of the Cooperative to protect and safeguard the protected health information (“PHI”) created, acquired, and maintained by the Cooperative consistent with the Standards for Privacy of Individually Identifiable Health Information (the “Privacy Rule”) promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and any case law arising from the interpretation thereof, and applicable state laws.

All health information created and maintained by the Cooperative and its agents that is considered part of a student’s “education record” under FERPA (“Family Educational Rights and Privacy Act”) is not subject to this policy.

The Management Council recognizes that, as an employer and health plan sponsor, and as a provider of health care services, certain components within the Cooperative engage in HIPAA-covered functions and must comply with the HIPAA Privacy Rule (hereafter the “Covered Component(s)"); however, there are other components of the Cooperative that engage in non-covered functions and so are not required to comply with the HIPAA Privacy Rule (hereafter the “non-Covered Component(s).” Therefore, the Management Council hereby designates itself as a “Hybrid Covered Entity” under HIPAA and its rules and regulations.

The Director is the Privacy Officer, who will undertake the following tasks to ensure compliance with the HIPAA Privacy Rule:

1. Conduct a thorough initial assessment of all existing policies, procedures, and practices for creating, maintaining, using, disclosing, and destroying health information to determine where the gaps may be with respect to meeting HIPAA and/or FERPA standards and as to whether there are reasonable administrative, technical, and physical safeguards to protect the privacy of PHI.
2. Draft, adopt, and maintain administrative policies and procedures to allow the Cooperative to meet the requirements of the HIPAA Privacy Rule as they may apply to the employee health plan and/or its health care provider Covered Components.
3. Draft and adopt a “Notice of Privacy Practices” that describes, among other things, the uses and disclosures that the Cooperative is permitted or required to make under the HIPAA Privacy Rule, its obligations under HIPAA, and the rights related thereto for employees, and students who may receive services from the Cooperative’s health care provider Covered Component.



4. Draft and adopt HIPAA-compliant written authorizations to use or disclose PHI for purposes unrelated to treatment, payment, health care operations, and other designated purposes under the HIPAA Privacy Rule.
5. Identify Business Associates and enter into Business Associate Agreements with all third parties that access PHI when providing services on behalf of the Cooperative in relation to its employee health plan and/or health care provider component(s).
6. Establish a training program for all members of the Cooperative workforce on HIPAA and the Cooperative's policies and procedures related thereto "as necessary and appropriate" for said employees to carry out their functions. Such training program shall include periodic refresher courses.
7. Develop a process for handling complaints, such process to include the designation of a specific individual to handle such complaints and appropriate procedures for documenting said complaints and the disposition thereof.

The Privacy Officer shall ensure the appropriate development and implementation of sanctions against those members of the workforce who fail to comply with the administrative policies and procedures developed hereunder. In addition to ensuring that appropriate administrative policies and procedures are adopted and implemented to ensure compliance with the HIPAA Privacy Rule, the Cooperative will mitigate, to the extent possible, any harmful effects of improper disclosures of PHI and will refrain from any activity that may intimidate, threaten, coerce, discriminate against, or retaliate against an individual for exercising his/her rights under HIPAA.

Legal References:    20 USC 1232 g        FERPA  
                             42 USC 1395        HIPAA  
                             45 CFR 160

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

PERSONNEL

Travel for Cooperative Business

Cooperative employees who provide service to students in the member schools travel on a regular basis to fulfill their job responsibilities.

Cooperative employees will adhere to the travel policy as outlined in the employee handbook.

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on

PERSONNEL

Breastfeeding in the Workplace

The Cooperative recognizes that breastmilk is the optimal food for growth and development of infants and it encourages employees and management to have a positive, accepting attitude toward working women and breastfeeding. The Cooperative promotes and supports breastfeeding and the expression of breastmilk by employees who are breastfeeding when they return to work.

Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated by the Cooperative. Any incident of harassment of a breastfeeding employee will be addressed in accordance with the Cooperative’s Complaint Procedure.

**Time to Express Milk or Breastfeed (Lactation Time)**

Lactation times shall be established for each employee based on her work schedule. If possible, the lactation time is to run concurrently with any break time already provided. If a break time is not provided, the Cooperative shall consider each case and make accommodations as possible.

**Space and Equipment for Expressing Milk or Breastfeeding**

The Cooperative will provide reasonable accommodations for staff to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. Employees shall be provided the use of a clean, comfortable space or “Lactation Area.” A toilet shall not serve as the lactation area.

The Lactation Area will:

- a. be shielded from view and free from intrusion from the public, students, and other staff
- b. be equipped with an electrical outlet
- c. have access to a place to store expressed breast milk safely
- d. be in close proximity to the employee’s work area, if possible
- e. contain comfortable seating.

Legal References:	§ 39-2-215, MCA	Public employer policy on support of women and breastfeeding – unlawful discrimination
	§ 39-2-216, MCA	Private place for nursing mothers
	§ 39-2-217, MCA	Break time for nursing
	§ 50-19-501, MCA	Nursing mother and infant protection
	37.111.811(1)(g) ARM	Physical Requirements

Cross References:

Policy History:

Adopted on:

Revised on:

PERSONNEL

Conflicts of Interest

Employees shall refrain from any activity that can be reasonably seen as creating a conflict of interest with their duties and responsibilities as employees of the Cooperative.

The following conduct is specifically prohibited:

- Using public time, facilities, equipment, supplies, personnel, or funds for the employee's private business purposes;
- Engaging in a substantial financial transaction for the employee's private business purposes with a person whom the employee inspects or supervises in the course of official duties;
- Assisting any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the Cooperative;
- Assisting any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from the Cooperative;
- Performing an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent;
- Performing an official act directly and substantially affecting a business or undertaking to its economic detriment a business or other undertaking in which the employee has a substantial personal interest in a competing firm or undertaking; or
- Soliciting or accepting employment, or engaging in negotiations or meetings to consider employment, with a person whom the employee regulates in the course of official duties without first giving written notification to the employee's supervisor and Director.

Employees who violate this policy will be subject to disciplinary action, up to and including termination from employment.

Cross Reference:

Legal Reference:	§2-2-104, MCA	Rules of conduct for public officers, legislators, and public employees
	§2-2-105, MCA	Ethical requirements for public officers and public employees
	§ 2-2-121, MCA	Rules of conduct for public officers and public employees

Policy History:

Adopted on:

Revised on:

**Missoula Area Education Cooperative**

4000

OPERATIONAL SERVICES

Prime Agency

The Missoula Area Education Cooperative shall be designated as the Prime Agency for the Cooperative, pursuant to §§ 20-9-701 and 20-3-208(3), MCA.

The Prime Agency shall establish an interlocal cooperative fund for the purpose of the financial administration of the Interlocal Cooperative Agreement.

Legal References:	§ 20-7-451, MCA	Authorization to create full service education cooperative
	§ 20-7-452, MCA	Detailed contents of full service education cooperative contracts
	§ 20-9-701, MCA	Definition of prime and cooperating agencies
	10.16.3902, ARM	Management Council

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

OPERATIONAL SERVICES

Distribution and Expenditure of Funds

The Prime Agency shall establish an Interlocal Cooperative Fund for the purpose of the financial administration of the Interlocal Cooperative Agreement. All distributions and expenditures shall comply with the terms of state and federal law, as well as the Financial Administration section of the Interlocal Agreement.

Legal References:     § 20-7-452, MCA     Detailed contents of full service education cooperative contracts  
                          10.16.3902, ARM     Management Council

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:

OPERATIONAL SERVICES

Fiscal and Business Management

The Director is responsible for the Cooperative's fiscal and business management. To that end, the Director, in conjunction with the Business Manager, shall prepare a budget that supports immediate and long-range goals and established priorities within all areas of instructional, non-instructional, and administrative programs. The final budget shall be approved by the Joint Advisory Board in a timely fashion, following the receipt of final federal and state distributions.

The Director shall implement the Cooperative's budget and provide the Management Council with a monthly financial report. The amount budgeted as the expenditure in each fund is the maximum amount that may be expended for that category, except when a transfer of funds is authorized by the Director. All purchasing shall be handled pursuant to Cooperative policy and any administrative regulations.

Legal References:     § 20-7-452, MCA     Detailed contents of full service education  
  10.16.3902, ARM     cooperative contracts  
  Management Council

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on:



OPERATIONAL SERVICES

Purchasing

The Director is authorized to direct expenditures and purchases within limits of the annual budget for the fiscal year. The Management Council must approve capital outlay items, when the aggregate total of a requisition exceeds \$50,000, except the Director shall have the authority to make capital outlay purchases without prior approval when necessary to protect the interests of the Cooperative or the health and safety of staff. The Business Manager will establish requisition and purchase order procedures to control and maintain proper accounting of expenditure of funds. Staff who obligate the Cooperative without proper authorization may be held personally responsible for payment of such obligations.

*Bids and Contracts*

Whenever the cost of any supplies, equipment, or work shall exceed \$80,000, the Cooperative will call for formal bids by issuing public notice. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the Management Council may reject any or all bids. The Management Council, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an accountant licensed under Title 37, Chapter 50. The Director will establish bidding and contract-awarding procedures.

*Cooperative Purchasing*

The Cooperative may enter into cooperative purchasing contracts with one or more public agencies for procurement of supplies or services. Such services and supplies may be purchased without complying with the above stated bidding requirements if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor to compete, based on a lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on: September 7, 2011

OPERATIONAL SERVICES

Procurement of Supplies, Materials, Equipment and Services Using Federal Funds

Procurement of all supplies, materials, equipment, and services paid for from federal funds or matching funds shall be made in accordance with all applicable federal, state, and local statutes and/or regulations, the terms and conditions of the federal grant, Cooperative policy, and administrative procedures. Procurement of any supplies, materials, equipment or services not using federal funds shall be subject to Cooperative Policy 4015 and state law.

The Director shall maintain a procurement and contract administration system in accordance with the requirements for the administration and management of Federal grants and Federally-funded programs. The Cooperative shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the Cooperative's general purchasing policy.

The Cooperative shall take affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

All Cooperative employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts.

The Cooperative will avoid acquisition of unnecessary or duplicative items and shall give consideration to mechanisms to obtain a more economical purchase (i.e., consolidating or breaking out procurements where permitted under state law). Where appropriate, the Cooperative shall conduct an analysis of lease versus purchase alternatives and any other appropriate options to determine the most economical approach.

To foster greater economy and efficiency, the Cooperative may engage in cooperative purchasing where appropriate for procurement or use of common or shared goods and services.

**Competition**

All procurement transactions paid for from federal funds or matching funds shall be conducted in a manner that encourages full and open competition and that is in good administrative practice and sound business judgment. To promote these purposes, the Cooperative shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Further, the Cooperative does not use statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals under this policy, unless (1) an applicable federal statute expressly mandates or encourages a geographic preference; or (2) the Cooperative is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the Cooperative uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list shall include a sufficient number of qualified sources as to ensure maximum open and free competition. The Cooperative allows vendors to apply for consideration to be placed on the list at any time and they must re-qualify every twenty-four (24) months in accordance with administrative procedures established by the Director.

### **Solicitation Language**

The Cooperative shall require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications will be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Cooperative shall not approve any expenditure for an unauthorized purchase or contract.

### **Procurement Methods**

The Cooperative shall utilize the following methods of procurement:

#### *Micro-Purchases*

Purchases of supplies, materials, services, or equipment using federal funds less than \$10,000 shall be "Micro-Purchases." The Cooperative is not required to use a formal bidding process for Micro-Purchases, but it shall ensure that purchases are reasonable and equitably distributed among all qualified sources. The Cooperative shall maintain all procurement documentation to ensure the cost is less than \$10,000 for a Micro-Purchase.

### *Small Purchases*

Purchases of supplies, materials, services, or equipment using federal funds between \$10,000 and \$80,000 shall be considered "Small Purchases." The Cooperative is not required to use a formal bidding process for Small Purchases, but it shall use a competitive process to ensure fairness. For any Small Purchase, the Cooperative shall obtain at least two or more price quotes. The Cooperative shall maintain all procurement documentation to ensure the cost is less than \$80,000 but more than \$10,000 for a Small Purchase.

### *Sealed Bids*

Sealed bids shall be used when the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. Sealed, competitive bids shall be obtained when the purchase of, and contract for supplies, materials, or equipment (including construction projects) which exceeds \$80,000 and would utilize federal funds or matching funds.

1. Bids shall be solicited in accordance with the provisions of state law and Cooperative policy. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder.
5. The Cooperative reserves the right to reject any or all bids for sound documented reason.

### *Competitive Proposals*

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids.

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from an adequate number of sources.
3. The Cooperative shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

Price may not be considered where procuring architectural/engineering services; compensation is subject to negotiation of a fair and reasonable fee after selection.

#### *Noncompetitive Proposals*

The Cooperative may only solicit a proposal from a sole source when one or more of the following circumstances apply:

1. The item is available only from a single source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Cooperative; or
4. After solicitation of a number of sources, competition is determined to be inadequate.

#### **Contract/Price Analysis**

The Cooperative shall perform a cost or price analysis in connection with every procurement action in excess of \$80,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Cooperative shall come to an independent estimate prior to receiving bids or proposals.

#### **Time and Materials Contracts**

The Cooperative uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time and materials type contract is a contract whose cost to the Cooperative is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

#### **Suspension and Debarment**

The Cooperative will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the Cooperative and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Cooperative shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Director shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts.

The Cooperative shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the Cooperative shall confirm that the vendor is not debarred or suspended by verifying such status.

### **Maintenance of Procurement Records**

The Cooperative maintains records sufficient to detail the history of all procurements. These records include, but are not limited to the following: rationale for the method of procurement, selection of contract type, contractor selection, or rejection, and the basis for the contract price (including a cost or price analysis).

Legal References:	§ 18-1-101 et seq., MCA	Public Contracts
	§ 20-9-204, MCA	Conflicts of interest, letting contracts and calling for bids
	2 C.F.R. Part 180	
	2 C.F.R. 200.317	
	2 C.F.R. 200.318	
	2 C.F.R. 200.319	
	2 C.F.R. 200.320	
	2 C.F.R. 200.321	
	2 C.F.R. 200.322	
	2 C.F.R. 200.323	
	2 C.F.R. 200.324	
	2 C.F.R. 200.325	
	2 C.F.R. 200.326	
	48 C.F.R. chapter 1	

Cross References:	Policy 2095	Conflicts of Interest
	Policy 4015	Purchasing

### Policy History:

Adopted on:

Revised on:

OPERATIONAL SERVICES

Travel Allowances and Personal Reimbursements

The Cooperative will reimburse employees and Management Council members for travel expenses while traveling on behalf of the Cooperative or its member schools and engaged in official Cooperative business. Cooperative employees will be reimbursed according to the current State levels pursuant to Montana law. All travel expenses must be reported on the established travel expense and voucher forms and approved by the Director. The Clerk is responsible for development of procedures and forms to be used in connection with travel expense claims and reimbursements.

While it is recommended that all purchases of goods or services be made within established purchasing procedures, there may be an occasional need for an employee to make a purchase for the benefit of the Cooperative from personal funds. In that event, an employee will be reimbursed for a personal purchase under the following criteria:

- It is clearly demonstrated that the purchase is of benefit to the Cooperative;
- The purchase was made with the prior approval of the Director;
- The item purchased was not available from Cooperative resources; and
- The claim for personal reimbursement is properly accounted for and documented with an invoice or receipt.

The Business Manager is responsible for development of procedures and forms to be used in connection with personal reimbursement for goods and services.

Legal References:	§ 2-18-501, MCA	Meals, lodging, and transportation of persons in state service
	§ 2-18-502, MCA	Computation of meal allowance
	§ 2-18-503, MCA	Mileage B allowance

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on:



OPERATIONAL SERVICES

Accounting and Audits

The Management Council directs that financial reports of all Cooperative funds be prepared in compliance with statutory provisions and generally accepted accounting and financial reporting standards. In addition to reports required for local, state, and federal agencies, financial reports will be prepared monthly and annually and presented to the Management Council.

The Management Council directs that Cooperative audits be conducted in accordance with Montana law. Each audit shall be a comprehensive audit of the affairs of the Cooperative and Cooperative funds.

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on:

OPERATIONAL SERVICES

Insurance Management

The Director shall recommend an insurance program that provides the broadest and most complete coverage available at the most economical cost, consistent with sound insurance principles.

The insurance program shall include:

- Liability coverage to insure against any loss or liability of the Cooperative; Management Council members; employees; and volunteer personnel, by reason of civil rights damage claims and suits, statutory, contractual and constitutional rights damage claims and suits, and death and bodily injury and property damage claims and suits, including defense costs, when damages are sought for negligent or wrongful acts allegedly committed during the scope of employment or under the direction of the Management Council.
- Comprehensive property insurance covering a broad range of causes of loss involving building and personal property;
- Workers' Compensation to protect the individual employees against financial loss in case of a work-related injury, certain types of disease, or death incurred in an employee-related situation.

Legal Reference:       § 2-9-211, MCA  
                              § 20-3-331, MCA

Political subdivision insurance  
Purchase of insurance – self-insurance  
plan

Cross Reference:

Policy History:

Adopted on: September 13, 2007

Revised on: October 5, 2011

OPERATIONAL SERVICES

Employee Safety

The Management Council recognizes that safety and health standards should be incorporated into all aspects of the operation of the Cooperative. Rules for safety and prevention of accidents will be posted in compliance with Montana Safety Culture Act and the Montana Safety Act. Injuries and accidents will be reported to the Cooperative office.

*Hazardous and Infectious Materials*

The Director shall take all reasonable measures to protect the safety of Cooperative personnel from risks associated with hazardous materials, including pesticide, and infectious materials. Specific procedures for handling hazardous or infectious materials may be found in the member district's Safety Plan.

*Safety Measures*

The Cooperative is authorized to adopt reasonable safety measures to protect the safety of Cooperative employees and member district personnel, students, and visitors on Cooperative or district premises and during school-related activities. Reasonable safety measures include adoption of cleaning/sanitization plans, use of physical safeguards/barriers, and required use of personal protective equipment (e.g., face masks). Exceptions to any requirements adopted by the Cooperative Director or member district may be granted as required by law and on a case-by-case basis.

Legal References:     §§ 39-71-1501, MCA             Montana Safety Culture Act  
                              §§ 50-71-311, MCA             Montana Safety Act

Cross References:

Policy History:

Adopted on: September 13, 2007

Revised on: