



# CITY OF BAYPORT

294 NORTH 3<sup>RD</sup> STREET  
BAYPORT, MN 55003

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## NOTICE OF CITY COUNCIL WORKSHOP

**\*\*\* Please note: There will be no public comment taken at the workshop. \*\*\***

NOTICE IS HEREBY GIVEN that the City Council will hold a workshop at Bayport City Hall on Monday, March 7, 2022 at 4:30 p.m. The purpose of the workshop is to discuss updates to the city's Personnel Policy.

Adam Bell, City Administrator



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Date: March 2, 2022  
To: Mayor and City Council  
From: Adam Bell, City Administrator  
Sara Taylor, Assistant City Administrator/Planner  
Re: Overview of draft Personnel Policy

### ***BACKGROUND***

At the March 7 workshop, a labor attorney from Eckberg Lammers will guide us through a proposed draft of the city's revised Personnel Policy. Currently, the policy is adopted as an ordinance, making it burdensome to edit and/or implement changes and maintain compliance with state and federal law, because any ordinance modification needs to be individually approved by the City Council, codified into the ordinance, and published before becoming effective. Based on the attorney's guidance, we are proposing to modify the policy to be adopted by resolution, which will make it less difficult to not only edit and maintain compliance, but also more cost effective.

As previously noted, the current Personnel Policy is significantly outdated and is not a user friendly resource for the employer or the employee to reference procedures and policies for recruitment/selection, work rules/conduct, compensation, benefits, discipline, or separation. As proposed, the new policy has been rewritten to improve organization, ease of use, and compliance with state/federal law.

As mentioned, the labor attorney will guide the City Council through each section of the document at the workshop. Staff recommends the City Council review the policy briefly prior to the workshop and prepare any specific questions. However, the City Council should be advised that many of the sections are non-discretionary, meaning the city is required to adopt such policies based on federal/state law or statute as drafted.

It should also be noted that although the draft policy will appear much different than the current Personnel Policy ordinance, there really are no substantial revisions to the content or terms of the policy, such as increased benefits, discipline, etc. The new draft just incorporates current practice or existing, stand-alone administrative policies that were not codified into the ordinance or modifications to comply with law/statute.



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## **DIVISION 1 INTRODUCTION**

### **§ 1.01 PURPOSE**

It is the purpose of this article to establish a uniform and equitable system of personnel administration for employees of the city, supplemented by adopted policies included within city personnel manuals, employee handbook, and standard operating procedures. The provisions do not establish terms and shall not be construed as contractual provisions. They are not intended to be all-inclusive or to encompass every situation that may arise. This article may be amended at any time at the sole discretion of the city and will supersede all previous personnel policies. Revisions and amendments shall become effective upon approval by the City Council. Except as otherwise prohibited by law, the city has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate employment at any time for any reason.

### **§ 1.02 SCOPE**

This article shall apply to all employees of the city. Provisions of this policy may also apply to the following persons as specifically noted herein:

1. Elected officials
2. Members of the City Council, boards, commissions, and committees
3. Firefighters
4. Consultants and contractors
5. Library staff
6. Volunteers

If any provision of this article is in conflict with the terms, conditions, or provisions of a duly adopted union agreement pertaining to employees who are members of a duly organized union recognized by the city, the union agreement shall take precedence over the provisions of this article and prevail. The union agreement shall not, however, affect the remaining provisions of this article. Union employees are responsible for consulting their collective bargaining agreement for information regarding employment conditions.

Nothing in this article is intended to modify or supersede any applicable provision of state or federal law. Specific work rules, policies, and procedures deemed necessary by the supervisor and approved by the city administrator for the achievement of department objectives will be provided to the employee upon employment and such rules and enforcement will be explained to the employee by the immediate supervisor.

### **§ 1.03 DEFINITIONS**

For purposes of these policies, the following definitions will apply:

#### **Authorized Hours**

The number of hours an employee is hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the city administrator.

#### **Benefits**

Privileges granted to qualified employees in the form of insurance coverage, pension, insurance coverage, education/professional development, and paid leave.

#### **Benefit Earning Employee**

A full-time employee eligible for all city-provided benefits or a part-time employee who is eligible for certain city-provided benefits as defined herein.

#### **Core Hours**

Regular hours that employees (exempt and non-exempt) are expected to work, established by department.

#### **Demotion**

The movement of an employee from one job class to another within the city, where the salary for the new position is lower than that of the employee's former position.

#### Direct Deposit

As permitted by state law, all city employees are required to participate in direct deposit for payroll.

#### Employee

An individual who has successfully completed all stages of the selection process, including the training period and legally holds a position in city service.

#### Exempt Employee

An individual not covered by the overtime provisions of the federal or state Fair Labor Standards Act.

#### Federal Insurance Contributions Act (FICA)

FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings.

#### Full-Time Employee

An employee who has completed the designated probationary period and is required to work 35 or more hours per week or the equivalent of 151 hours or more per month in a year-round, ongoing position. In accordance with federal health care reform laws and regulations, the city shall offer health insurance benefits to eligible full-time employees and their dependents. All full-time employees are eligible for authorized expense reimbursement, benefits listed within DIVISION 5 – EMPLOYEE BENEFITS of this article, and separation pay pursuant to DIVISION 7 – EMPLOYEE SEPARATION of this article.

#### Non-Exempt Employee

An employee covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime at 1.5 times their regular hourly wage for all hours worked over 40 in any given workweek. Non-exempt employees are not authorized to work remotely or work through lunch without prior approval from their supervisor.

#### Outside Employment

Employment of any kind engaged in by a city employee for which compensation is received from a source other than the city.

#### Part-Time Employee

An employee who works at least 20 hours, but less than 35 hours per week in a year-round, ongoing position, which may be eliminated at the discretion of the appointing authority. Part-time employees may be entitled to PERA benefits, provided the statutory eligibility requirements for PERA are met, authorized expense reimbursement, certain benefits listed within DIVISION 5 – EMPLOYEE BENEFITS and separation pay listed within DIVISION 7 – EMPLOYEE SEPARATION of this article.

#### Pay Period

A 14-day period beginning at 12:00 a.m. on Sunday through 11:59 p.m. on Saturday, 14 days later. All employees shall be paid on a biweekly basis. Elected officials and fire department employees are paid monthly.

#### Pay Plan

The assignment of job classes to a pay grade, identifying the minimum and maximum compensation for each grade by a salary rate step schedule (Step 1-8).

#### Pay Rate

An employee's hourly, monthly, or annual wage.

#### Public Employees Retirement Association (“PERA”)

Statewide pension program in which all city employees meeting program requirements must participate in accordance with Minnesota law. The city and the employee each contribute to the employee's PERA retirement account.

#### Promotion

Movement of an employee from one job class to another within the city, where the salary for the new position is higher than the salary of the employee's former position.

#### Reclassification

Movement of a job from one classification to another because of a significant change in the position's duties and responsibilities.

#### Reinstatement

The reappointment of a former employee who resigned in good standing from city service.

#### Seasonal Employee

An individual hired for only part of the year (180 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or service credit. Seasonal employees may be entitled to PERA benefits, provided the statutory requirements for PERA benefits are met, and are eligible for authorized expense reimbursement.

#### Separation

A complete separation of employment resulting from death, layoff, resignation, retirement, or termination of the employee.

#### Service Credit

Time worked for the city, beginning on the first day worked.

#### Suspension

The temporary removal of an employee from their designated position without pay.

#### Temporary Employee

An individual hired for a temporary position. Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedule. Temporary employees do not earn benefits or service credit.

#### Training/Probationary Period

An initial period at the start of employment with the city (or at the beginning of a promotion, reassignment, or transfer) that is designated as a trial period for an employee to learn and demonstrate fitness for the position. This period shall consist of 12 months, unless covered by a collective bargaining agreement stating a different time frame. An employee may be disciplined at the sole discretion of the city administrator, up to and including termination during this period. An employee so disciplined, including termination, will not have any grievance rights. Time served in temporary, seasonal, volunteer, or interim positions are not considered part of the probationary period.

#### Transfer

Movement of an employee from one city position to another position of equivalent pay.

#### Weapons

Weapons are defined to include all legal or illegal firearms, switchblade knives, or any other object that has been modified to serve as a weapon or that has the primary purpose of serving as a weapon.

#### Workweek

A period of 7 consecutive 24-hour periods, beginning on Sunday through the following Saturday. With the approval of the city administrator, departments may establish a different workweek based on coverage and service delivery needs.

## **DIVISION 2      EMPLOYEE RECRUITMENT AND SELECTION**

### **§ 2.01 PURPOSE**

The city is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, selection, promotion, transfer, demotion, layoff, discipline, termination, compensation, and training. The city will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

### **§ 2.02 SCOPE**

The city administrator or designee will manage the hiring process for positions within the city. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve probationary full-time and part-time employees. All temporary and seasonal employees shall be appointed by the city administrator. All hires will be made according to merit and fitness related to the available position.

### **§ 2.03 RECRUITMENT**

The city administrator or designee will determine if a vacancy will be filled through an open recruitment or by promotion, transfer, or some other method. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process. The city administrator or designee will determine appropriate methods to post and seek qualified applicants.

In addition to an application for employment, supplemental questionnaires may be required for certain positions. To be considered for a position, a candidate must complete and submit the required application materials by the posted application deadline. The application deadline may be extended at the city administrator's discretion. Position vacancies may be filled on an "acting" or "interim" basis, as needed and approved by the City Council. Pay rate adjustments, if any, will be determined by the City Council.

### **§ 2.04 SELECTION**

The selection process for hiring regular full-time and part-time employees will be a cooperative effort between the city administrator or designee and appropriate supervisor, subject to final approval of the City Council. Any, all, or none of the candidates may be evaluated for qualifications. The city has the right to make the final hiring decision based on qualifications, abilities, experience, and need.

The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor, subject to approval and appointment by the city administrator. Except where prohibited by law, any seasonal or temporary employee may be terminated by the employee's supervisor at any time, subject to approval by the city administrator.

#### **Qualification Evaluation**

Applicant qualifications will be evaluated in one or more of the following ways, including training and experience rating, written test, oral test or interview, performance or demonstrative test, physical agility test, other appropriate job-related exam, or any combination thereof. Internal recruitments will be open to any city employee who has successfully completed the initial training/probationary period, meets the minimum qualifications for the vacant position, and currently is and for the past year has been in good standing with the city. The city administrator will establish minimum qualifications for each position with input from the appropriate supervisor. To be eligible to participate in the selection process, a candidate must meet the minimum qualifications.

#### **Background Check**

All individuals who receive a conditional employment offer from the city will be subject to a background check in order to confirm application information and assist in determining suitability for

the position. Except where already defined by state law, the city administrator will determine the level of background check to be conducted based on the position being filled.

### **Pre-Employment Examination**

Any individual selected for employment may be subject to completing a pre-employment drug screen and may be subject to a medical examination and/or psychological evaluation to determine fitness to perform the essential functions of any city position. A mandatory psychological evaluation will be required for any individual selected for employment by the police department. An offer of employment is contingent upon successful completion of the drug screen and any other required exam. Information obtained from the screen or exam will be treated as confidential medical records.

Drug screen and medical/psychological exams will be conducted by a licensed physician designated by the city. All expenses incurred for exams shall be borne by the city. The physician will notify the city administrator or designee whether the individual is medically able to perform the essential functions of the job, with or without accommodations, and whether the individual passed a drug test, if applicable. If the individual requires accommodation to perform one or more of the essential functions of the job, the city administrator or designee will confer with the physician and individual regarding reasonable and acceptable accommodations. If rejected for employment based on the results of the medical exam, a notification of this determination will be provided to the individual.

### **Training/Probationary Period**

A 12 month training/probationary period is regarded as an integral part of the selection process for the purpose of closely observing the employee's work and for training the employee in work expectations. A 12 month training/probationary period is required for new hires, transfers, promotions, and rehires for all full-time and part-time positions. Time served in temporary, seasonal, volunteer, or interim positions are not considered part of the probationary period.

At any time during the training/probationary period, an employee may be disciplined, transferred, or terminated for unsatisfactory performance by the city administrator. An employee so disciplined, including termination, will not have any grievance rights. An extension of the initial 12 month training/probationary period may be granted by the city administrator if an employee performance is found to be marginal during the initial period, to permit the employee to further develop satisfactory job performance.

Supervisors shall evaluate the performance and record of a probationary employee 6 weeks prior to completion of the period. Upon determination of satisfactory performance, the city administrator may designate the employee to a regular position.

If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted, will not be considered as time worked, and the training/probationary period will be extended by the length of time taken.

## **§ 2.05 JOB DESCRIPTION**

A job description shall be prepared and maintained for each position of employment. Each job description shall include a position title, department, supervisor title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, minimum requirements, desirable training and experience, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position. A job description may also describe the benefits offered and potential career path opportunities as a means to entice a qualified pool of applicants. Good attendance and compliance with work rules and policies are essential functions of all city positions.

Prior to posting a vacant position, the existing job description shall be reviewed by the city administrator or designee and the hiring supervisor to ensure it is an accurate reflection of the position and the stated job qualifications do not present artificial barriers to employment. Any revisions to a job description must be

approved by the city administrator. Job descriptions for new positions will be developed as needed, prior to the position being filled. A current job description shall be provided to an individual upon employment.

### **Work Assignment/Schedule**

Assignment of work duties and scheduling work is the responsibility of an employee's supervisor, subject to the approval of the city administrator. Supervisors may require their employees to work overtime in situations where it is required in order to ensure the orderly and efficient operation of the government. Supervisors may adjust an employee's daily work schedule to accommodate certain workload conditions.

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early), subject to approval by the employee's supervisor. Employees not reporting to work for reasons of personal safety will be allowed to use accrued vacation time or compensatory time, or, with supervisor approval, may modify the work schedule or make other reasonable schedule adjustments. Sworn police officers, public works maintenance employees, and customer service-oriented employees (i.e., those employees whose job descriptions require regular interaction with customers and residents) will generally be required to report to work regardless of conditions. Decisions to cancel city programs (special events, recreation activities, etc.) or close city facilities will be subject to approval by the city administrator.

### **Hours**

Employee work schedules and opportunities to work remotely will be established by the employee's supervisor with the approval of the city administrator. All shifts for seasonal and temporary positions, including traded or added shifts, must be pre-approved by a supervisor. Working a shift without prior approval may result in discipline, up to and including termination of employment. Departments may establish core work hours for employees (exempt and non-exempt), to ensure availability and accountability to the public and co-workers unless away from the work site for a work-related activity or on approved leave.

### **Meal Breaks/Rest Periods**

A paid 15 minute break is allowed within each 4 consecutive hours of work. An unpaid 30 minute lunch period is provided when an employee works 8 or more consecutive hours. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time, or lunch time by saving these breaks. Departments with unique job or coverage requirements may have additional rules, issued by the supervisor and subject to approval of the city administrator, on the use of meal breaks and rest periods.

## **§ 2.06 PERFORMANCE EVALUATION**

An objective performance review system shall be established by the city administrator or designee for the purpose of periodically evaluating the performance of city employees. The quality of an employee's past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary adjustments. Performance reviews for all full-time and part-time employees are to be scheduled and completed by the supervisor on an annual basis, or if deemed necessary on a more frequent basis. An employee's salary increase may be withheld or the salary may be decreased due to performance deficiencies identified as part of the employee's performance evaluation.

A condition of employment is the ability to perform the duties of the position satisfactorily. Every employee shall demonstrate physical, mental, and emotional fitness to perform the essential functions of the job. For certain positions, the city may require an annual physical or psychological examination to ensure the employee remains capable of physically and mentally performing all job functions. All expenses incurred for any such exams shall be borne by the city.

## **DIVISION 3      EMPLOYEE WORK RULES AND CODE OF CONDUCT**

### **§ 3.01 PURPOSE**

The city is committed to providing the highest quality and best value services. The willingness and responsibility of employees to build a work environment based on elements of honesty, trust, support, and integrity demonstrates this commitment to service, to promote and achieve public trust.

### **§ 3.02 SCOPE**

In accepting city employment, employees become representatives of the city and are responsible for exhibiting conduct that is ethical, courteous, professional, and responsive, to city residents and employees. Employees must adhere to this article and established policies, rules, procedures, and job requirements at all times. Employees shall not use their official position for personal gain, engage in any business or transaction or have a financial interest, direct or indirect, which is in conflict with the proper performance of their official duties. The failure of an employee to comply with any provision of this division may result in discipline, up to and including termination.

### **§ 3.03 GENERAL PRINCIPLES**

The following principles are centered on the importance of public service, professionalism, and trust, and shall be adhered to, to assure the expectation of quality outcomes and productive work environment:

- Exemplify and maintain the highest standards of behavior.
- Foster an atmosphere of collegiality, apply a team approach at work, helping others when needed, recognizing others for a job well done, and be open to doing things in a different way.
- Demonstrate respect by welcoming the ideas of others, encouraging the use and development of skills, and being truthful in all communications.
- Exhibit professionalism by refraining from negative, rude, or disparaging comments about the city, its officials and staff, residents and customers while in the workplace or on social media.
- Reinforce values and ensure the elements of a great work environment are maintained through open communication, idea sharing, and participation.
- Demonstrate consistency by accepting responsibility and upholding commitments.
- Show integrity by assuming accountability for actions and responsibility for mistakes, and taking appropriate action to correct fault.
- Communicate honestly and thoughtfully, respecting the organization's chain of command; refrain from engaging the public, City Council, or staff in matters of sensitive or confidential information unless such exchanging of information is necessary to carry out job duties.

### **§ 3.04 SAFETY**

The health and safety of each employee of the city and the prevention of occupational injuries and illnesses are of primary importance to the city. To the greatest degree possible, the city will maintain an environment free from unnecessary hazards. The city has established safety policies and procedures for each department, which are found in applicable city safety manuals. Adherence to these policies is the responsibility of each employee. Overall administration of the city's safety policies is the responsibility of each supervisor.

Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee. Both Minnesota workers' compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that

may be necessary related to an injury or illness on the job. Supervisors are authorized to immediately dismiss an employee from a shift when the employee's behavior violates the city's personnel policies, department policies, or creates a potential health or safety issue for the employee or others. The failure of an employee to observe the city's safety policies is cause for discipline.

### **§ 3.05 CITY PROPERTY**

Employees with authorized possession of keys, tools, phones, pagers, computers, credit cards, or other city-owned equipment are responsible for the safekeeping and care of all such equipment. All such equipment must be turned in and accounted for by any employee leaving employment with the city in order to separate from employment in good standing. The failure of an employee to comply with the city's use of city property and resources policies articulated herein is cause for discipline, up to and including termination.

#### **Technology Resources**

Employees are responsible for protecting the security and integrity of the city's electronic communication and information systems through appropriate and safe use of technology resources. Computers and related equipment or devices used by employees are the property of the city. Use of city equipment by individuals other than a city employee is strictly prohibited.

In general, the city will provide hardware and software required for an employee to perform job duties. Employees shall not connect personal peripheral tools or equipment (printers, digital cameras, disks, USB drives, or flash cards) to city systems. Requests for new or different equipment should be made to a supervisor. Employees are responsible for the proper care and security of city equipment.

Reasonable, incidental personal use of city equipment, technology, and software (word processing, spreadsheets, email, internet, etc.) is allowed, but should never preempt or interfere with work, be used inappropriately, or be used for personal business interests, for-profit ventures, political activities, or other uses deemed to be inconsistent with city activities. The city reserves the right to inspect, without notice, all data, emails, files, settings, or any other aspect of a city computer or related system, including personal information created or maintained by an employee. The city may, without notice, remove any personal files, unauthorized programs, software, media, equipment, downloads, or other resources found on the network, computers, or other devices. Employees have no expectation of privacy in information transmitted, saved, downloaded, created, or viewed on a city computer or network.

All electronic files must be stored on identified network drives and folder locations. The city does not support files stored on a local computer hard drive, and holds no responsibility for recovery of lost files. City electronic files created by an employee on a personal device must be transferred to and stored in designated locations on the city's network.

Emails may be considered public data for both e-discovery and information requests and may not be protected by privacy laws. Transmittal of correspondence on confidential, legal, personnel, or medical matters by email or other information that is not appropriate for consumption by the general public or media is prohibited. Employees may use personal devices to read or compose email or other city data, but acknowledge these devices could be searched during an e-discovery or a court-ordered scenario.

#### **Phones**

Personal calls and text messages during the workday are to be conducted only when necessary (e.g., family or medical emergency), unless on a rest period or meal break. They are not to interfere with city work and are to be completed as quickly as possible. Any personal long-distance call costs will be paid for by the employee.

City-issued cellular phones are intended for the use of an employee in the conduct of work for the city. Supervisors are responsible for phones assigned to employees and will exercise discretion in their use. Nothing will limit supervisor discretion to allow reasonable and prudent personal use of such phones or equipment provided that use in no way limits the conduct of work of the employee or other employees and no personal profit is gained, or outside employment is served.

Employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellular phones at all times. Employees whose positions include regular or occasional driving must refrain from reading/sending text messages, emailing, video calling, scrolling/typing, accessing a webpage, or using non-navigation applications while driving. Regardless of the circumstances and in accordance with Minnesota law, employees are required to use hands-free operations or stop the vehicle before placing or accepting a call. Hands-free equipment will be provided with city-issued phones to facilitate the provisions of this policy. Employees charged with traffic violations resulting from the use of a phone while driving will be solely responsible for all liabilities that result from such actions. Employees who abuse or misuse a phone may be subject to disciplinary action.

Employees will not be reimbursed for business-related calls without prior authorization from a supervisor. Supervisors may also prohibit employees from possessing a personal cell phone during working hours if it interferes with the performance of job duties.

Information and data stored on a city-issued cell phone or a personal cell phone or device used for city related business is subject to the Minnesota Government Data Practices Act and may be public data. The city reserves the right to inspect, without notice, all data, emails, text messages, files, settings, or any other aspect of a city-issued cell phone or related system, including personal information created or maintained by an employee. The city may, without notice, remove any personal files, unauthorized programs, software, media, equipment, downloads, or other resources found on a city-issued cell phone. Employees have no expectation of privacy in information transmitted, saved, created, downloaded, or viewed on a city-issued cell phone.

## **Vehicles**

The city expects all employees to drive safely and legally while on duty or conducting city business and to maintain a good driving record. This policy applies to employees driving a vehicle on city business, whether driving a city-owned vehicle or their own personal vehicle. The city will examine employee driving records annually to determine compliance. Employees with a restricted or revoked driver's license are required to notify an immediate supervisor on the first work day after any temporary, pending, or permanent action is taken on their license and to keep the supervisor informed of any changes thereafter. The city will determine appropriate action on a case-by-case basis.

## **Credit Cards**

The city has adopted a credit card use policy. Any employee issued a city credit card must acknowledge their review and receipt of the city's credit card policy and comply with its terms in making purchases. Failure to observe the city's credit card policy may result in discipline up to and including termination.

## **§ 3.06 DRUGS/ALCOHOL/TOBACCO**

It is the city's intent and obligation to provide a drug-free, safe and secure work environment. In accordance with federal law, employees are required to report to work in appropriate mental and physical condition. The unlawful manufacture, distribution, possession, or use of a controlled substance on city property or while conducting city business is absolutely prohibited. Employees must report any conviction under a criminal drug statute for violations occurring on or off work premises while conducting city business. A report of the conviction must be made within 5 days after the conviction as required by the Drug-Free Workplace Act of 1988. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The city observes and supports the Minnesota Clean Indoor Air Act. All city buildings and vehicles shall be designated as tobacco free, meaning that use in any form is prohibited. Eligible employees by law are allowed to use tobacco while on a relief period or meal break only in areas designated for that purpose.

## **§ 3.07 WEAPONS**

Possession or use of a dangerous weapon is prohibited on city property, in a city vehicle or personal vehicle, which is being used for city business. This includes employees with valid permits to carry firearms. Exceptions

to the dangerous weapons prohibition include employees with a valid permit legally in possession of a firearm that is secured in an attended personal vehicle or concealed from view in a locked unattended personal vehicle while employee is on city duty, employees requiring possession of a weapon/firearm for city duty, or individuals showing or transferring a weapon/firearm to police as part of an investigation.

### **§ 3.08 GENDER-SEGREGATED FACILITIES**

With respect to all restrooms, locker rooms or changing facilities, employees will have access to facilities that correspond to their affirmed gender identity, regardless of their sex at birth. The city maintains separate restroom and/or changing facilities for male and female employees and allows employees to access them based on their gender identity.

In any gender-segregated facility, any employee who is uncomfortable using a shared facility, regardless of the reason, will, upon the employee's request, be provided with an appropriate alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, the city will not require a transgender or gender diverse employee to use a separate, nonintegrated space, unless requested by the transgender or gender diverse employee, because it may publicly identify or marginalize the employee as transgender. Under no circumstances may employees be required to use sex-segregated facilities that are inconsistent with their gender identity.

### **§ 3.09 EMPLOYEE CONDUCT**

The provisions of this section apply to all city employees, city elected and appointed officials, firefighters, and library staff.

#### **Attendance/Absence**

The operations and standards of service for the city require that employees be at work unless valid reasons warrant absence, or an employee has a position that has been approved to work remotely. Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence. In the event of an unexpected absence, employees should notify their supervisor prior to the start time of the normal work day. The city may waive this requirement if extenuating circumstances warrant.

#### **Appearance**

Employees are expected to dress appropriate to the nature of their position and present a positive, professional image to the public in their appearance. Employees in certain departments must wear uniforms or dress suitably to perform job specific duties in varying conditions. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. At the discretion of management, employees reporting to work dressed in inappropriate attire may be asked to change clothing. Employees may dress in accordance with their gender identity, within the constraints of the dress codes adopted by the city. The city shall not enforce the city's dress code more strictly against transgender and gender diverse employees than other employees.

#### **Disrespectful Behavior**

The following behaviors are unacceptable and therefore prohibited, even if not unlawful in and of themselves. Although the standard for how employees treat each other and the general public will be the same throughout the city, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or the city administrator. Violations of this policy may result in discipline, including termination.

- **Violent behavior:** including the use of physical force, threats, bullying, harassment, or intimidation.
- **Discriminatory behavior:** including intentional, inappropriate or unwelcome remarks or conduct related to a person's race, color, creed, religion, national origin, disability, sex, pregnancy, gender-biased statements, such as stereotypes about women or men, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance.

- **Offensive behavior:** including such actions as rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.
- **Sexual harassment:** including intentional verbal, physical, written, or visual conduct that is unwelcome, intimidating, or offensive, directed from one individual toward another individual, involving sexual overtones, advances, or demands for favors. Such conduct is a violation of Title VII. of the Civil Rights Act of 1964, the Minnesota Human Rights Act, and other related employment laws. In keeping with this commitment, the city maintains a strict policy prohibiting sexual harassment.

If an employee witnesses or encounters disrespectful behavior, it should be reported to a supervisor or the city administrator. If an employee is subject to verbal abuse by a customer or member of the public, there is a concern about the possibility of violence, or an employee feels threatened, discretion shall be used to call 911. In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations promptly to the city administrator, to determine whether an investigation is warranted.

When a supervisor is perceived to be the cause of disrespectful behavior, a report shall be made to the city administrator to address the matter and determine appropriate discipline. If the city administrator is perceived to be the cause of disrespectful behavior, a report shall be made to the city attorney to confer with the City Council on appropriate investigation and action. If a member of the City Council or other city board or commission is perceived to be the cause of disrespectful behavior involving city personnel, a report shall be made to the city administrator to confer with the city attorney on investigation and action. Pending completion of an investigation, the city administrator may use discretion to take appropriate action to protect the alleged victim, other employees, or citizens.

An individual that witnesses or reports disrespectful behavior will not be guaranteed anonymity from the alleged offender. If disciplinary action results from an investigation, such action will become a part of the employee personnel file. An individual that witnesses or reports disrespectful behavior, participates in an investigation, or takes any other actions protected under federal or state employment discrimination laws will not be subject to retaliation. Retaliation includes, but is not limited to, any form of discrimination, intimidation, reprisal, or harassment.

### **§ 3.10 COMMUNICATION**

City representatives share in the responsibility of earning and preserving the public's trust and assuring that city functions will be carried out faithfully and impartially and without regard to age, race, sex/gender, religion, national origin, disability, sexual orientation, marital status, familial status, veteran status, or other protected categories. Employees are expected to be professional, fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the city in all communications, which includes any verbal and/or written correspondence and forms of social media.

Employees shall not share any private, non-public, or confidential information accessible as a result of city employment with the public. City resources, working time, or official city positions shall not be used for personal profit or business interests, or to participate in personal political activity. Personal communications made on a matter of public concern must not disrupt the efficiency of the city's operation, have a negative impact on morale, or undermine any city department's ability to effectively serve the public. Conduct viewed as malicious, obscene, threatening or intimidating, disparaging, or constituted as harassment or bullying will not be tolerated.

### **Data Practices Advisory**

Employee records are maintained in a location designated by the city administrator. Personnel data is retained in personnel files, finance files, and benefit/medical files. Information is used to administer

employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc. Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

### **Data/Media Requests**

All city employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Requests for private data or information outside of the scope of an individual's job duties should be routed to the designated responsible authority for the city under the Minnesota Government Data Practices Act. Any employee who identifies a mistake in reporting should bring the error to the city administrator or other appropriate staff. Regardless of whether the communication is in the employee's official city role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc.

Except for routine events and basic information readily available to the public, all requests for interviews or information from the media are to be routed through the city administrator. No city employee is authorized to speak on behalf of the city without prior authorization from the city administrator. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings, and websites. All news releases concerning city personnel will be the responsibility of the city administrator.

### **Social Media**

Personal communications through social media (Facebook, Twitter, blogs, YouTube, etc.), publications, and endorsements shall not contain private or confidential information known to the employee as a result of city employment, disrupt the efficiency of city operations, negatively affect morale, or be affiliated with city itself. Statements, photographs, video, or audio initiated by an employee, or not initiated but shared/republished by an employee that may be viewed as any type of disrespectful behavior will not be tolerated. The city may act on or impose discipline on any personal communication which violates this policy.

## **§ 3.11 CONFLICT OF INTEREST**

Employees shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with their duties as a city employee, or with the duties, functions and responsibilities for the department by which employed. Use of public resources by city employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action which may include termination and/or criminal prosecution, depending on the circumstances. Incidental personal use of city resources may be permitted with the consent of the supervisor.

The following activities shall be considered inconsistent, incompatible or in conflict with city employment:

- Any employment, activity or enterprise which involves the use for private gain or advantage of the city's time, facilities, equipment or supplies, prestige, or influence of a city office or employment.
- Involves the receipt or acceptance by the employee, of any money or other consideration from anyone other than the city, for the performance of an act which the employee would be required or expected to render in the regular course of city employment.
- Involves the performance of an act in a capacity other than as a city employee which may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such employee or the department by which employed.
- Involves so much of the employee's time that it impairs attendance or efficiency in the performance of duties as a city employee.

- Involves an action or decision which could be a perceived or actual conflict of interest or could result in a personal benefit for the employee or a family member.

## **Outside Employment**

The potential for conflicts of interest is lessened when individuals regard the city as their primary employment responsibility. All outside employment is to be reported to the employee's supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the city administrator. Any city employee accepting employment in an outside position that is determined by the city administrator to be in conflict with the employee's city job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

For the purpose of this policy, outside employment refers to any non-city employment or independent contracting work for which an employee receives compensation, except for compensation received in conjunction with military service, holding a political office, or an appointment to a government board or commission that is compatible with city employment. City employees may not engage in outside employment which might hinder their objective and impartial performance of their public duties or create either the appearance of or the potential for a conflict with the development, administration, or implementation of policies, programs, services or any other operational aspect of the city.

## **Political Activity**

No city employee shall directly or indirectly, during hours of employment, solicit or receive funds for political purposes. Any political activity in the workplace must be pre-approved by the city to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another employee to apply for or become a member in a political organization. Employees are free to engage in political activity of choice, provided it does not conflict with city employment.

## **§ 3.12 FALSIFICATION OF RECORDS**

Any employee who makes false statements or commits, or attempts to commit fraud in an effort to prevent the impartial application of the personnel policies, will be subject to immediate disciplinary action up to and including termination and potential criminal prosecution. An employee of the city who, in good faith, reports an activity considered to be illegal or dishonest to one or more of the parties may have whistleblower protections. Examples of illegal or dishonest activities include violations of federal, state, or local laws, billing for services not performed or for goods not delivered, and other fraudulent financial reporting.

If an employee has knowledge of or concern about possibly illegal or dishonest fraudulent activity, the employee is to contact an immediate supervisor or the city administrator. The city administrator shall be responsible for investigating the activity or for determining fault or corrective measures. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to discipline up to and including termination.

## **DIVISION 4      EMPLOYEE COMPENSATION**

### **§ 4.01 PURPOSE**

The city is committed to providing competitive, equitable compensation to recruit and retain qualified employees, maintain morale/satisfaction, encourage and reward peak performance, demonstrate commitment, and motivate the delivery of high-quality service and operation of city government.

### **§ 4.02 SCOPE**

Full-time and part-time employee positions are assigned a job classification, based on duties and responsibilities. Each job classification is categorized within a compensation pay plan, which establishes the minimum and maximum wage or salary compensation. All employees are eligible for authorized expense reimbursement.

### **§ 4.03 PAY PLAN**

The city administrator shall establish and maintain a compensation pay plan for full-time and part-time employees of the city, as adopted by the City Council. Compensation for seasonal and temporary employees shall be established by the city administrator at the time of hire, or on an annual basis. Compensation for city elected officials and firefighters is not included in the pay plan.

The pay plan shall consist of the assignment of job classes to a pay grade and identify the minimum and maximum compensation for each grade by a salary rate step schedule (Step 1-8). The step schedule shall define the annual progression through the pay grade on an annual basis and any annual cost of living adjustment (COLA) increase approved by the City Council.

The pay plan may be amended by the City Council upon recommendation by the city administrator to maintain equitable relationships amongst job classes as defined within the pay plan, based on duties and responsibilities, consistency with other labor markets for comparable work under similar conditions, and current recruitment and retention experience. Unless approved by the City Council, employees will not receive any pay beyond the authorized compensation pursuant to the pay plan for an appointed position, with the exception of authorized expense reimbursement.

### **Adjustments to Compensation/Salary Rate**

The beginning salary rate for a full-time or part-time employee shall typically be the minimum indicated by the salary rate step schedule (Step 1) established by the job class/pay grade. The city administrator may authorize a rate above the minimum to recruit or attract an individual with superior qualifications, correct salary inequities, or acknowledge credit for prior service.

After successful completion of the training/probationary period and 1 year of service, an employee shall be eligible for advancement within the designated pay grade to the next salary rate step, as specified by the compensation pay plan, subject to acceptable performance. An employee shall be eligible for subsequent annual advancement on start of employment date or upon completion of required qualifying service related to a promotion, reassignment, or transfer.

### **Wage Disclosure**

Under the Minnesota Wage Disclosure Protection Law, employees have the right to tell any person the amount of their own wages. While the Minnesota Government Data Practices Act (Minn. Stat. §13.43) specifically lists an employee's actual gross salary and salary range as public personnel data, state law also requires wage disclosure protection rights and remedies to be included in employer personnel handbooks. To that end, and in accordance with Minn. Stat. §181.172, employers may not:

- Require nondisclosure by an employee of his/her/their wages as a condition of employment.
- Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages.

- Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- Retaliate against an employee for asserting rights or remedies under Minn. Stat. §181.172, subd. 3.

The city cannot retaliate against an employee for disclosing his/her/their own wages. An employee's remedies under the Wage Disclosure Protection Law are to bring a civil action against the city and/or file a complaint with the Minnesota Department of Labor and Industry.

## **§ 4.04 JOB CLASSIFICATIONS**

The city administrator shall establish and maintain a job classification for each full-time and part-time position. These job classifications are defined on the pay plan according to the type of work and duties assigned to the class.

### **Exempt Employee**

Employees classified as exempt are not covered by the overtime eligibility provisions of the federal or state Fair Labor Standards Act. Exempt employees are expected to work the hours necessary to meet the performance expectations of the position, which is typically 40 hours per week, and reflected by the salary rate designated by compensation pay plan. As a condition of continued employment, employees may be required to work in excess of 40 hours per week, as requested by a supervisor. Refusal by the employee may result in disciplinary action. To compensate for this time, employees are eligible to accrue compensatory time.

For budgetary reasons or based on the needs of the organization, the city administrator may determine that less than 40 hours per week is adequate to fulfill the requirements of a position. In this case, a voluntary or involuntary unpaid leave program may be implemented, whereby the salary rate shall be converted to an hourly rate of pay for applicable pay period(s), provided the employees maintains a work schedule of at least 35 hours per week or the equivalent of 151 hours per month year-round.

### **Non-Exempt Employee**

All employees that are not considered exempt shall be classified as non-exempt and covered by the overtime eligibility provisions of the federal or state Fair Labor Standards Act. Non-exempt employees are expected to work the hours necessary to meet the performance expectations of the position, which is typically 40 hours per week, and reflected by the salary rate designated by compensation pay plan. As a condition of continued employment, employees may be required to work in excess of 40 hours per week, as requested by a supervisor. Refusal by the employee may result in disciplinary action.

Non-exempt employees shall be compensated for work in excess of 40 hours per week in the form of overtime or compensatory time. Vacation, sick, or holiday leave do not count toward hours worked to be eligible for overtime or compensatory time. Supervisors shall make reasonable efforts to balance the personal needs of employees when assigning additional hours of work. The employee's supervisor must approve additional work hours in advance. An employee who works additional hours without prior approval may be subject to disciplinary action.

## **§ 4.05 PAYROLL**

### **Direct Deposit/Deductions**

As provided for in state law, all employees are required to participate in direct deposit for payroll. Employees are responsible for notifying the city administrator of any changes in contact information or status. If any improper payment or other type of payroll error occurs, the city and employee shall coordinate to reconcile the error. An employee may authorize deductions from payroll for employee group insurance, employee organization dues and fees, additional withholdings, deferred compensation plan, and any other available deductions that may be available and elected by the employee.

## **Time Reporting**

All employees are expected to work the number of hours per week as established for their position. In addition to hours worked, leave, compensatory, and overtime shall be indicated on the designated timesheet by the employee and submitted to the department head for approval on a bi-weekly basis for payroll. Time reporting shall be indicated in ¼ hour increments.

## **Compensatory Time**

To compensate for additional work hours, employees are eligible to accrue compensatory time based on the designation of a position as exempt or non-exempt by the city administrator. Compensatory time accrual shall be indicated by the employee when reporting work hours for payroll in units of ¼ hour or more and the balance shall be maintained by the city administrator or designee.

Compensatory time shall not be accumulated on a daily basis and total accrual may not exceed 40 hours, unless pre-approved by the city administrator for extenuating circumstances. Compensatory time off must be pre-approved by the supervisor and employee requests shall be made in a conscientious manner, so as not to interfere with duties of the position or interfere or conflict with the workload or schedules of other employees. Compensatory time is intended to be used in the manner it was accrued, with a maximum usage of up to 1 day per work week.

Employees designated as exempt are eligible to accrue compensatory time in units of 1 hour for 1 hour worked in excess of the designated weekly work schedule of 40 hours. Exempt employees are not eligible to receive pay for accrued compensatory time. Employees designated as non-exempt are eligible to accrue compensatory time in lieu of overtime compensation in units of 1.5 hours for 1 hour worked in excess of the designated weekly work schedule of 40 hours, unless otherwise stated within an adopted union agreement. Non-exempt employees will receive pay at their current hourly rate for accrued compensatory time when the employee leaves city employment.

## **Overtime**

Overtime compensation shall only apply to positions designated as non-exempt by the city administrator. Overtime shall be paid to an employee in lieu of compensatory time in units of 1.5 times the hourly rate of pay for hours worked in excess of 40 hours per week, unless otherwise stated within an adopted union agreement. Exempt employees do not receive any overtime compensation for the hours worked over 40 in one work week.

## **§ 4.06 EXPENSE REIMBURSEMENT**

If not paid in advance by the city, an employee shall be reimbursed for expenses incurred while conducting business for the city, including off-site job-related meetings and educational training, classes, workshops, and conferences. Reimbursement shall be for, but not limited to, registration, mileage, parking, meals, lodging, travel tickets, and phone calls, and shall be approved by the department director and the city administrator.

## **DIVISION 5      EMPLOYEE BENEFITS**

### **§ 5.01 PURPOSE**

The city is committed to providing competitive, equitable benefits to recruit and retain qualified employees, promote health and wellness, enhance productivity, increase attendance, demonstrate value and investment, maintain morale/satisfaction, and motivate the delivery of high-quality service and operation of city government.

### **§ 5.02 SCOPE**

The city provides benefits to eligible employees in addition to other compensation. Benefits included within this division shall not supersede benefits negotiated and agreed to by an approved union contract/agreement.

### **§ 5.03 INSURANCE**

The city contributes toward group health insurance benefits for employees that work an average of at least 35 hours per week or 151 hours per month on a pro-rated basis, as follows:

Medical	The city pays 100% employee premium and 90% of dependent premium
Dental	The city pays 100% employee premium

The city offers life and disability insurance benefits for each regular employee that works an average of at least 35 hours per week or 151 hours per month, as follows:

Life	The city offers \$50,000 term life insurance or \$50,000 accidental death insurance
Disability	The city pays 100% for short-term and long-term disability premiums

### **§ 5.04 PERA/RETIREMENT**

The city participates in the Public Employees Retirement Association (PERA) to provide pension benefits for eligible employees. Participation in PERA is mandatory for most employees and the city and employee contribute to PERA each pay period as determined by state law. Employees that participate in the city sponsored 457(b) deferred compensation program are eligible to receive a monthly contribution from the city in the amount of \$25.00.

### **§ 5.05 EDUCATION/PROFESSIONAL DEVELOPMENT**

The city finds it in the best interest of its employees to upgrade skills and knowledge related to the employee's job through continued education and professional development. This may be in the form of special training, workshops, meetings, attaining/maintaining certifications, or post-secondary education approved by the city administrator. Related expenses may be paid in advance by the city or reimbursed to the employee following completion. To be eligible, an employee must be in good standing and employed for at least 1 year, unless such training or development is deemed immediate and essential for an employee to perform duties of the position. Tuition reimbursement for post-secondary education by an individual employee is limited to \$3,000 per year, subject to approval by the City Council. Employees voluntarily leaving city employment within 1 year of receiving paid tuition are required to reimburse the city for such expense.

#### **Memberships/Dues**

Memberships to various professional organizations must be directly related to the betterment of the services of the city. Upon separation of employment, individual memberships shall remain with the city and transferred to another employee, where applicable.

#### **Training/Conferences**

The city promotes staff development through training and conferences as an essential, ongoing function needed to maintain and improve quality service to residents, to ensure that employees develop and maintain the knowledge and skills necessary for effective job performance, and to provide employees with an opportunity for job enrichment and mobility.

The subject matter of the training session or conference shall be directly job-related and relevant to the performance of the employee's work responsibilities. Responsibilities outlined in the job description, annual work program requirements and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related. Courses taken by an employee in order to maintain licensing or other professional accreditation will not be eligible for payment under this policy unless the subject matter relates directly to the employee's duties, even though the employee may be required to maintain such licensing or accreditation as a condition of employment with the city. The employee's supervisor and the city administrator are responsible for determining job-relatedness and approving or disapproving attendance.

The request for participation in a training session or conference must be submitted in writing to the employee's supervisor. All requests must include an estimate of the total cost (training session, travel, meals, etc.) and a statement of how the education or training is related to the performance of the employee's work responsibilities with the city. Participation shall be subject to budget and staffing availability.

Time spent traveling to and from, as well as time spent attending an approved training session or conference, will be compensated as time on duty, in accordance with the federal Fair Labor Standards Act. Travel and other related training expenses including registration fees, mileage, parking, lodging, and meals (if not provided by training or conference) will be reimbursed, subject to the employee providing necessary receipts and appropriate documentation. A per diem expense for meals shall be limited to \$50.00 per day, unless a larger amount is approved by the city administrator. A full reimbursement, over the maximum defined, may be authorized if a lower cost meal is not available when attending a banquet or meeting of a professional organization. Mileage for use of an employee's personal vehicle will be reimbursed at the mileage rate as established by the Internal Revenue Service. In no case will city funds be used to pay for or reimburse expenses for events sponsored by or affiliated with political parties or for family members.

## **§ 5.06 LEAVES FROM WORK**

Employees are eligible for certain leaves of absence from work, as defined by this article and as required by state or federal statute. Leave requests will be evaluated on a case-by-case basis. Depending upon the circumstances, multiple forms of leave may apply during the same time period. In such cases, an employee will need to meet the requirements of each form of leave separately. Except as otherwise stated, all paid time off, taken under any of the city's leave programs, must be taken consecutively, with no intervening unpaid leave.

### **Holiday Leave**

Full-time employees will receive pay for official holidays at their normal salary rate, provided they are on paid status on the last scheduled day prior to the holiday and first scheduled day immediately after the holiday. Any employee on an unpaid leave of absence from the city is not eligible for holiday pay.

Official holidays commence at the beginning of the first shift of the day on which the holiday is observed and continue for 24 hours thereafter. When a holiday falls on a Sunday, the following Monday will be the observed holiday and when a holiday falls on a Saturday, the preceding Friday will be the observed holiday for city operations/facilities that are closed on holidays. Premium pay of 1.5 times the regular hourly wage for employees required to work on a holiday will be for hours worked on the actual holiday as opposed to the observed holiday.

The city has established official holidays to be observed by most employees and city facilities, as follows:

New Year's Day	Columbus Day
Martin Luther King Jr. Day	Veterans' Day
Presidents' Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Eve
Labor Day	Christmas Day

The city administrator has discretion to alter when such holidays are observed based on hours of operation for certain city departments and/or facilities, provided no employee receives in excess of 96 hours of paid holiday leave per calendar year. Employees desiring to observe holidays other than those officially observed by the city may request either vacation leave or unpaid leave for such time off. Should this article be in conflict with an adopted union agreement, the union agreement shall take precedence and prevail.

## **Vacation Leave**

Full-time employees will receive pay for authorized vacation leave at their normal salary rate, accrued based on years of continuous employment. For purposes of calculating vacation accrual, an employee's years of continuous employment includes any period for which the employee was on approved unpaid leave. Employees may not carry over from one calendar year to the next any more vacation than earned in a calendar year. Employees using vacation leave shall be considered to be working for the purposes of accumulating additional vacation.

Years of Service	Annual Accrual
0-5 years	80 hours
6-10 years	120 hours
11-15 years	160 hours
16 years	168 hours
17 years	176 hours
18 years	184 hours
19 years	192 hours
20 years	200 hours

Employees are eligible to use vacation leave after 6 months of employment, at their discretion, subject to approval of a supervisor. Requests for use of vacation leave shall be submitted by the employee at least 48 hours in advance, unless otherwise waived by the supervisor or city administrator. Use of vacation time shall not exceed 10 consecutive business days, unless specifically approved by the city administrator. Should this article be in conflict with an adopted union agreement, the union agreement shall take precedence and prevail.

## **Sick Leave**

Full-time employees will receive pay for authorized sick leave at their normal salary rate, accrued at a rate of 8 hours per month, up to a maximum accrual of 800 hours. After 800 hours, an employee shall accrue additional sick leave at 4 hours per month. Employees using sick leave shall be considered to be working for the purposes of accumulating additional sick leave. Sick leave does not accrue during a qualifying unpaid leave of absence.

Employees are eligible to use sick leave after 30 days of employment when they are unable to work for personal or specified immediate family member medical reasons, including, but not limited to illness, disability, pregnancy, medical care appointments, exposure to contagious disease, adoption, and funeral attendance or for providing or receiving assistance for sexual assault, domestic abuse, or stalking. Specified immediate family members include spouse, child, sibling, parent, grandparent, grandchild and employee in-laws of these family members.

An employee shall notify their supervisor as soon as possible in advance of the sick leave absence. In the event of an unexpected absence, an employee should notify their supervisor prior to the start time of the normal work day, keep supervisor informed of condition if absence is more than 2 days in duration, and provide a physician's statement for absences exceeding 2 days if required by the city administrator. A false claim of sick leave shall be cause for disciplinary action.

After accrued sick leave has been exhausted, vacation leave may be used upon approval of the city administrator, to the extent the employee is entitled to such leave. Should this article be in conflict with an adopted union agreement, the union agreement shall take precedence and prevail.

## **Funeral Leave**

Full-time employees will receive pay for authorized funeral leave at their normal salary rate, up to 3 working days upon the death of an immediate family member. Specified immediate family members include spouse, child, sibling, parent, grandparent, grandchild and in-laws of these named family members. This paid leave will not be deducted from the employee's vacation or sick leave balance.

## **Jury Duty Leave**

Employees will receive pay for required jury duty with compensation equal to the difference between the normal salary rate and pay rate received as a juror. Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. Time spent on jury duty will be considered time on duty, but not be counted as time worked in computing overtime. Employees excused or released from jury duty during regular working hours shall report to work as reasonably possible or supplement with use of vacation or compensatory time. A report of time spent on jury duty and pay form must be completed by the clerk of court and submitted by the employee for payroll.

## **Election/Voting Leave**

Employees are eligible for unpaid leave to serve as an election judge pursuant to state law, provided that the employee gives the city at least 20 days written notice. All employees eligible to vote at a state general election, an election to fill a vacancy in the office of United States Senator or Representative, or in a Presidential primary, are eligible for unpaid leave to vote on the election day. Employees are required to work with a supervisor to schedule voting leave, so as not to disrupt unduly the operations of the city.

## **School Conference Leave**

Employees are eligible for unpaid leave for up to 16 hours during any 12 month period to attend school conferences or classroom activities related to the employee's child under the age of 20, provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours, the employee shall provide prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city.

## **Administrative Leave**

Any employee may be placed on an administrative leave, pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the city administrator with the approval of the City Council.

## **Authorized Unpaid Leave**

After 1 year of employment, employees may be eligible for unpaid leave for up to 12 weeks within any 12 month period, subject to authorization by the city administrator. Unpaid leave for greater periods may be granted by the City Council, but in no case shall the leave exceed 1 year. Leave without pay for purposes other than medical leave or work-related injuries will be at the convenience of the city.

Employees are required to use accrued sick, vacation, compensatory time, or other forms of available/qualifying leave to run concurrently with a period of authorized unpaid leave. Considerations in granting such leave shall include good employee conduct, length of service, efficiency, and general good of city service.

Leave for the birth of a child, prenatal care, placement of a child for adoption is covered under the city's Pregnancy/Parental/Adoption Leave. Unpaid leave for a medical condition or work-related injury is defined as follows:

- Providing care for a spouse, child, or parent with a serious health condition

- Due to serious health condition prohibiting employee to perform essential job function (illness, injury, impairment, or physical or mental condition that requires hospital care or treatment)

During a period of unpaid medical or work-related injury leave, an employee participating in the city's group insurance plan(s) will continue to receive coverage under the same conditions as if continuously employed during the leave, for up to 12 weeks. Accrual of paid holiday, vacation, and sick leave will be suspended during the period of any unpaid leave.

An employee granted unpaid leave shall have the right to return to the original job or position of like status and pay, unless the position has been discontinued or the employee would have been laid off if not on leave. Failure by an employee to request an extension before expiration of unpaid leave shall be a voluntary resignation.

## **Military Leave**

Employees will receive pay for military leave ordered by proper authority to active or reserve military service at their normal salary rate without loss of seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 days in any calendar year. Such leave shall not be allowed unless the officer or employee:

- Returns to the public position immediately on being relieved from such military service and not later than the expiration of the time herein limited for such leave; or
- Is prevented from so returning by physical or mental disability or other cause not due to the officer's or employee's own fault; or
- Is required by proper authority to continue in such military service beyond the time herein limited for such leave.

Employees on extended unpaid military leave will receive 15 days paid leave of absence in each calendar year, not to exceed 4 years. When possible, requests for military leave shall be provided by the employee to a supervisor at least 10 days in advance. When called to active duty, an employee may use balance of 15 days of military paid leave and any other accrued vacation or compensatory time, prior to an unpaid leave of absence. Any unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accrual. Eligibility for continuation of insurance coverage for employees on military leave beyond 15 days will follow the same procedures as for any employee on an authorized unpaid leave of absence. Employees returning from military service will be reinstated to the position occupied prior to absence and with the same pay, seniority status, and other benefits determined by seniority.

Employees shall be granted up to 10 working days of unpaid leave for injury or death of an immediate family member while engaged in active military service. Specified immediate family members include spouse, child, sibling, parent, grandparent, grandchild and employee in-laws of these family members. Employees may be granted 1 working day of unpaid leave in the duration of a calendar year to attend a send-off or homecoming ceremony for the mobilized service member, provided the leave does not unduly disrupt the operations of the city.

## **Victim/Witness Leave**

Employees will be granted reasonable unpaid leave if designated as a victim or witness who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, or is the spouse or immediate family member of such victim, to attend criminal proceedings related to the victim's case. Specified immediate family members include spouse, child, sibling, parent, grandparent, grandchild and employee in-laws of these family members. For cases which involve providing or receiving assistance for sexual assault, domestic abuse, or stalking, an employee shall be entitled to use accrued sick leave.

## **Pregnancy/Parental/Adoption Leave**

Employees that have been employed more than 1 year with the city are eligible for up to 12 weeks of unpaid leave within 12 months under the Pregnancy and Parenting Leave Act of Minnesota.

Pregnancy/Parental/Adoption Leave eligibility is defined as follows:

- Female for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.
- Biological or adoptive parent in conjunction with after the birth or adoption of a child for the purpose of arranging the child's placement or caring for the child after placement. Leave must begin before or at the time of the child's placement in the adoptive home.

The employee shall provide at least a 45 day notice prior to the leave. If the leave must be taken in less than 3 days, the employee shall give as much notice as practicable.

Employees are required to use accrued sick, vacation, or compensatory leave during Pregnancy/Parental/Adoption Leave. If the employee has any unpaid leave eligibility remaining at the time this leave commences, it will also count as unpaid leave concurrently. The employee is entitled to return to work in the same position and at the same rate of pay the employee received prior to commencement of the leave. Group insurance coverage will remain in effect while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for any required employee portion of the group insurance coverage while on leave.

The city will attempt to provide a female employee requesting reasonable accommodation for health conditions related to pregnancy or childbirth including more frequent restroom, food, and water breaks, seating, limits on lifting over 20 pounds, and/or temporary transfer to a less strenuous or hazardous position, should one be available. Unless such accommodations impose an undue hardship, the city will engage in an interactive process with respect to an employee's request for a reasonable accommodation.

Nursing mothers will be provided reasonable break time to express milk for 1 year after the child's birth. The paid break time must, if possible, run concurrently with any break time already provided. The city will provide a suitable space other than a restroom, as close as possible to the employee's work area, shielded from view and free from intrusion from coworkers and the public, including access to an electrical outlet.

## **Organ Donation Leave**

Employees are eligible for up to 40 hours of paid leave to undergo medical procedures to donate bone marrow or an organ. The 40 hours is over and above the amount of accrued time the employee has earned. The city may require a physician's verification of the purpose and length of the leave requested to donate bone marrow or an organ. If there is a medical determination that the employee does not qualify as a bone marrow or organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

## **DIVISION 6      EMPLOYEE DISCIPLINE**

### **§ 6.01 PURPOSE**

The objective of this policy is to establish a disciplinary process for all employees for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable city policies. Discipline will be administered in a non-discriminatory manner. This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline.

### **§ 6.02 SCOPE**

Supervisors are responsible for maintaining compliance with city standards of employee job performance and employee conduct. The supervisor and/or the city administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through grievance procedures listed within.

### **§ 6.03 PROCESS**

The city may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in this article implies that any city employee has a contractual right or guarantee to the job.

In general, when an employee's performance or conduct falls below the required level or under the causes for action, the supervisor shall inform the employee promptly and specifically of such lapses. If appropriate and justified, following a discussion of the matter, a reasonable time for improvement or correction may be allowed before any further disciplinary action is initiated. In situations where a warning has not resulted in the correction of the condition or where more severe initial action is warranted, written documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee.

The following are descriptions of the types of disciplinary actions the city may take:

#### **Oral Reprimand**

This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors have the ability to issue oral reprimands without prior approval. Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. The supervisor will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

#### **Written Reprimand**

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period of time. Serious infractions may require foregoing of the oral and/or written reprimand. Written reprimands are issued by the supervisor with prior approval by the city administrator. A written reprimand shall include what happened, what should have happened, policy/directive/performance expectation that was not followed, history on the matter, goals/timetables/expectations for the future, and consequences of recurrence. Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean the employee agrees with the reprimand. Written reprimands shall be placed in the employee's personnel file.

#### **Suspension**

The city administrator may suspend an employee without pay for disciplinary reasons or cause, for up to 30 days. The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's

personnel file. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans, who have completed their initial probationary period, will not be suspended without pay in conjunction with a termination.

The city administrator may suspend or place an employee on an administrative leave of absence pending an investigation of an allegation involving the employee. The leave may be with or without pay depending on a number of factors including the nature of the allegations. The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file. If allegations are proven true after the investigation, the employee may be subject to demotion or dismissal. If allegations are proven false after the investigation, the relevant written documents will be removed from the employee's personnel file and the employee will receive any compensation and benefits due had the suspension not taken place.

### **Demotion/Transfer**

When other forms of disciplinary action have proved ineffective, or when the seriousness of the offense or conditions warrants it, the city administrator may recommend to the City Council to demote or transfer the employee for cause. The employee must be qualified for the position to which they are being demoted or transferred.

### **Termination**

The city administrator, with the approval of the City Council, may terminate an employee for cause, substandard work performance, serious misconduct, or behavior not in keeping with city standards. If the disciplinary action involves the removal of a qualified veteran who has completed the initial probationary period, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

## **§ 6.04 GRIEVANCE**

Any dispute between an employee and the city relative to the application, meaning, or interpretation of this article will be settled in the manner outlined within. In general, grievance procedures do not apply to matters related to performance evaluation data, salary increases or lack thereof, or merit pay awards.

First, the employee must provide written notice of the grievance to the employee's supervisor, stating the nature of the grievance, the date at which the incident allegedly occurred, facts on which it is based, the provision(s) of the personnel policies allegedly violated, and remedy requested within 21 days after the alleged occurred. The supervisor shall respond to the employee in writing within 7 days.

If the grievance has not been settled in this manner, the written grievance must be presented to the city administrator with the remedy requested within 7 days after receipt of the supervisor's response. The city administrator or designee shall respond to the employee in writing within 7 days. The decision of the city administrator is final for all disputes with exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

If a grievance is not presented within the time limits set forth, it will be considered "waived." If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the city's determination. If the city does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the city and the employee without prejudice to either party.

## **DIVISION 7      EMPLOYEE SEPARATION**

### **§ 7.01 PURPOSE**

Specific circumstances may warrant a separation of employment, either voluntary or involuntary. Managing the end of an employment cycle for at-will or contractual employees shall be conducted through a fair and consistent process. Depending upon the type of separation of employment, separation pay may be afforded to the employee.

### **§ 7.02 SCOPE**

A voluntary separation of employment is typically initiated by the employee for personal or professional reasons and includes resignation, retirement, or death. An involuntary separation of employment is typically initiated by the city for poor performance or conduct, shortage of work or budget, or abolition of a job position. Involuntary separation by termination is permanent, while a layoff may be permanent or temporary.

### **§ 7.03 LAYOFF**

The city administrator, with City Council approval, shall provide 14 days written notice to a full-time or part-time employee in the event it becomes necessary to reduce personnel in the form of a layoff, due to shortage of work or budget, abolition of positions, or other reasons. The city administrator may layoff or terminate temporary or seasonal employees without prior notice or City Council approval.

The city administrator will make a determination on layoffs based on performance, knowledge, skill, ability, and seniority, subject to provisions of adopted union agreements and City Council approval. Temporary/seasonal employees and those serving a probationary period in affected job classes will be subject to a layoff before other regular employees.

### **§ 7.04 RESIGNATION**

Employees wishing to leave the city service in good standing must provide a written notice to their supervisor at least 14 calendar days prior to the resignation. Unauthorized absences from work for a period of 3 consecutive working days may be considered as a resignation without proper notice. Failure to comply with this procedure may be cause for denying the employee's separation pay, accrued benefits, and any future employment with the city.

### **§ 7.05 RETIREMENT**

An employee wishing retire must provide a written notice to their supervisor at least 30 calendar days prior to the retirement in order to leave city employment in good standing.

### **§ 7.06 TERMINATION**

The city administrator, with the approval of the City Council, may terminate an employee for substandard work performance, serious misconduct, behavior not in keeping with city standards, or any violation of employee work rules and code of conduct.

### **§ 7.07 SEPARATION PAY**

Employees who leave employment with the city in good standing shall be compensated for accrued compensatory time and vacation leave, computed to the date of separation. Employees who leave employment with the city in good standing and have been employed 10 consecutive years shall be compensated for 50% of accrued sick leave, computed to the date of separation, up to a maximum of 400 hours. Accrued sick leave shall not be granted to an employee upon notice of termination. Upon death of an employee, the designated beneficiary shall be compensated accordingly for accrued vacation and sick leave.