

## **INTRODUCTION**

### **Purpose**

It is the purpose of these policies to establish a uniform and equitable system of personnel administration for employees of the City of Paynesville. Their provisions do not establish terms and shall not be construed as contractual provisions. They are not intended to be all-inclusive or to cover every situation that may arise. These policies may be amended at any time at the sole discretion of the City and they 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 of Paynesville City Council 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.

### **Preamble**

This Personnel Policy is entered into by and between the City of Paynesville, and the employee. This preamble is intended as a policy statement and is not grievable under the Grievance Article of the unions.

### **Scope**

These policies apply to all employees of the City. Except where specifically noted, these policies do not apply to:

1. Elected officials
2. City attorney
3. Members of City boards
4. Consultants and contractors
5. Election personnel
6. Storm spotters
7. Volunteers, except as specifically noted for paid-per-call firefighters.

If any specific provisions of the personnel policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

These policies serve as an information guide to help employees become better informed and to make their experience with the City more rewarding. Departments may have special work rules deemed necessary by the Department Head and approved by the City Administrator for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained and enforcement discussed with the employee by the immediate Department Head.

## **DEFINITIONS**

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

### **Appointing Authority**

The individual(s) with authority to make hiring decisions. In Paynesville this shall mean the City Council and/or Administrator for these purposes.

### **Authorized Hours**

The number of hours an employee was 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 employee's Department Head.

### **Benefits**

Privileges granted to an employee in the form of leaves of absence, insurance, or pay received in lieu of accrued leave upon termination of employment.

### **Benefit Earning Employees**

Employees who are eligible for at least a pro-rated portion of City-provided benefits. Such employees must be year-round employees who work at least 20 hours per week on a regular basis.

### **Core Hours**

The core hours that all employees (exempt and non-exempt) are expected to work are 8:00 a.m. to 4:30 p.m., Monday through Friday. Police, fire, public works and liquor store employees do not have core hours and work the schedules established by their Department Heads.

### **Council**

The City Council of the City of Paynesville.

### **Demotion**

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

### **Department Head**

An employee who is responsible for managing a department or division of the City.

### **Direct Deposit**

As permitted by state law, all City employees are allowed to participate in direct deposit.

### **Employee**

An individual who has successfully completed all stages of the selection process, including the training period.

### **Employer**

City of Paynesville, MN.

### **Exempt Employee**

Employees who are not covered by the overtime provisions of the federal or state Fair Labor Standards Act.

**FICA (Federal Insurance Contributions Act)**

FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution of 6.2 percent for Social Security and 1.45 percent for Medicare. The City contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers). These amounts may change if required by law.

**Fiscal Year**

The period from Jan. 1 to Dec. 31.

**Full-Time Employee**

Employees who have successfully completed the probationary period, are required to work forty (40) or more hours per week year-round in an ongoing position.

**Hours of Operation**

The City's regular hours of operation are Monday through Friday, from 8:30 a.m. to 4:30 p.m.

**Non-Exempt Employee**

Employees who are 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 forty (40) in any given workweek.

**Part-Time Employee**

Employees who regularly works less than 40 hours per week and meets the definition of public employee in Minn. Stat. Sec. 179A.03. This definition does not include part time peace officers as that term is used in Minn. Rules Section 6700.1101.

**Pay Period**

A fourteen (14) day period beginning at 12 a.m. (midnight) on Sunday through 11:59 p.m. on Saturday, fourteen (14) days later.

**PERA (Public Employees Retirement Association)**

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 retirement account.

**Probationary Employee**

An employee who has not completed the probationary period.

**Promotion**

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

**Reclassify/Transfer**

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

## **Seasonal Employee**

Employees who work only part of the year (100 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 credit for seniority.

## **Seniority**

Shall be defined as an employee's length of continuous service within the City since her/his last date of hire.

## **Service Credit**

Time worked for the City. An employee begins earning service credit on the first day worked for the City. Some forms of leave will create a break in service.

## **Temporary Employee**

Employees who work in temporary positions. 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 credit for seniority.

## **Training/Probationary Period**

The probation period shall be utilized for observing the employee's work, for training the employee in the work expectations, and for rejecting any probationary employee whose performance does not meet the required work standards. All probationary period (except promotions) shall be a minimum of twelve (12) months. The City Administrator has the discretion of terminating the employee during this period if in his/her mind the employee is unable or unwilling to perform satisfactorily. The City Administrator has the discretion to extend the probation for a maximum of three (3) months, with a written set of expectations that must be accomplished during that time period. Terminations during the probationary period are not arbitrable under the grievance procedure.

Nothing in this policy handbook shall be construed to imply that after completion of the probationary period, an employee has any vested interest or property right to continued City employment.

Time served in temporary, seasonal, volunteer or interim positions are not considered part of the probationary period. 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 probationary period will be extended by the length of time taken.

## **Termination During Probation**

An employee may be terminated at any time during the probationary period if, in the opinion of the City Administrator, the employee is unable or unwilling to perform the duties satisfactorily or if the employee's habits or dependability does not warrant continuation in the position. The employee so terminated shall be notified in writing of the reasons for the termination and shall not have the right to appeal unless he or she is a veteran, in which case the procedure prescribed in Minnesota Statutes Section 197.46 shall be followed.

Probationary periods apply to new hires, transfers, promotions and rehires. Employees terminated during a probationary period from a position to which they were transferred or promoted may be reinstated to an opposition in the class from which they were transferred or promoted, up approval of the City Administrator.

Upon completing of the probationary period for a new hire or rehire, employees shall become regular employees, within the meaning of this policy, and shall be credited with seniority and benefits dating from the first day of continuous employment with the City. The City Administrator shall maintain a seniority list organized by job class within each department. When all other considerations are equal, the principal of seniority shall apply in layoffs and recall from a layoff.

**\*TO DISCUSS\***

Applicability to leave benefits: During the probationary period following an original appointment or a rehire, an employee is not entitled vacation or sick leave. After the end of the probationary period, an employee is entitled to use their PTO leave accrued from the start of probation. No employee shall be eligible for PTO that fails to pass their probationary period.

Immediately prior to the expiration of the probationary period, the City Administrator shall notify the Council in writing whether or not the services of the employee have been satisfactory and whether or not the employment will be continued.

**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 workweek is seven consecutive 24-hour periods. For most employees the workweek will run from 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 (e.g., police department, fire department, public works and liquor store departments).

**City Authority**

**Right to Manage**

The City operates and manages its affairs in all respects in accordance with its management rights, existing and future laws and regulations of the appropriate authorities. The prerogatives or authority which the City has not officially abridged, delegated or modified by this Policy are retained by the City.

**Management Authority**

Except as limited by the specific provisions of this Policy, the City shall retain whatever rights and authority are necessary for it to operate and direct the affairs of the City in all of its various aspects, as set forth in the Minnesota Public Employee Labor Relations Act of 1971, as amended. Nothing in this Policy shall limit the City's management right to discontinue functions, utilize technology, restructure, consolidate, subcontract and take other actions that may result in the elimination of position or positions.

**Elimination of Position**

In the event the City determines to take an action that will result in the expected permanent loss of a position, the parties shall meet and negotiate in good faith.

**Notice**

The City may establish and enforce work rules that are not in conflict with the provisions of this Policy.

## **EEO Policy Statement**

The City of Paynesville is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Paynesville 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, or 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.

## **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.

## **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 appropriate department or to the data practices authority.

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 or his/her designee. 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. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda), provide the information and notify the City Administrator of the request.
2. If the request is regarding information about City personnel, potential litigation, controversial issues, an opinion on a City matter, or if an employee is unsure if the request is a "routine" question, forward the request to the City Administrator. An appropriate response would be, "I'm sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person, who will get back to you as soon as he/she can." Then ask the media representative's name, questions, deadline, and contact information.

All news releases concerning City personnel will be the responsibility of the City Administrator.

When/if the City Administrator authorizes a staff person to communicate on behalf of the City in interviews, publications, news releases, on social media sites, and related communications, employees must:

- Identify themselves as representing the City. Account names on social media sites must be clearly connected to the City and approved by the City Administrator.
- Be respectful, professional, and truthful when providing information. In most cases, only factual information (not opinions or editorial comments) should be provided: “The City finished street cleaning on 16 streets in the northwest corner of the City this past week” instead of “The City is doing a great job with street cleaning this year!” Corrections must be issued when needed.
- Generally, not include personal opinions in official City statements. One exception is communications related to promoting a City service. For example, an employee could post the following on the City’s Facebook page: “My family visited Hill Park this weekend and really enjoyed the new band shelter.” Employees who have been approved to use social media sites on behalf of the City should seek assistance from the City Administrator on this topic.
- Notify the City Administrator if they will be using their personal technology (cell phones, home computer, cameras, etc.) for City business. Employees should be aware that data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

## **Personal Communications and Use of Social Media**

It is important for City employees to remember that the personal communications of employees may reflect on the City, especially if employees are commenting on City business or commenting on issues that implicate their City employment. As City representatives, employees share in the responsibility of earning and preserving the public’s trust in the City. An employee’s own personal communications, such as on social media, can have a significant impact on the public’s belief that all City staff will carry out City functions faithfully and impartially and without regard to factors such as race, sex/gender, religion, national origin, disability, sexual orientation, or other protected categories. Nonpersonal communications (performed within one’s job duties) to members of the public must be professional at all times. The following guidelines apply to personal communications, including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements:

- Do not share any private or confidential information you have access to as a result of your City position.
- Any personal communications made on a matter of public concern must not disrupt the efficiency of the City’s operation, including by negatively affecting morale. Put another way, such public comments must not undermine any City department’s ability to effectively serve the public. Disruptive personal communications can include liking or republishing (sharing/retweeting) a social media post of another individual or entity. The City can act on the personal communication that violates this policy without waiting for the actual disruption.
- Remember what you write or post cannot easily be undone. It may also be spread to larger audience than you intended. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos you would not want your boss or other employees to read, or you would be embarrassed to see in the newspaper. Keep in mind harassment, bullying, threats of violence, discrimination, or retaliation concerning a co-worker or between co-workers that would not be permissible in the workplace is not permissible online, even if it is done after hours, from home and on home computers.
- The City of Paynesville expects its employees to be fair, courteous, and respectful to Department Heads, co-workers, citizens, customers, and other persons associated with the City. Avoid using statements, photographs, video or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment or bullying. Examples of

such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of sex, race, national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance or membership or activity in a local human rights commission.

- If you publish something related to City business and there is liable to be confusion whether you are speaking on behalf of the City, it would be best to identify yourself and use a disclaimer such as, “These are my own opinions and do not represent those of the City of Paynesville.”
- City resources, working time, or official City positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the City’s logo, email, or working time to promote his/her side business as a plumber; a parks employee should not access a park after hours even though he or she may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.
- Personal social media account name or email names should not be tied to the City.

## **CITYWIDE WORK RULES & CODE OF CONDUCT**

### **Conduct as a City Employee**

In accepting City employment, employees become representatives of the City and are responsible for assisting and serving the citizens for whom they work. An employee’s primary responsibility is to serve the residents of the Paynesville. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a City employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their Department Heads.

The following are job requirements for every position at the City of Paynesville. All employees are expected to:

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand, and comply with the rules and regulations as set forth in these personnel policies as well as those of their departments.
- Conduct themselves professionally toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate Department Head.
- Maintain good attendance while meeting the goals set by an employee’s Department Head.

## **CITY OF PAYNESVILLE ORGANIZATION CHART**

Paynesville Residents
Mayor/City Council
City Administrator

Public Works Director	Police Chief	Liquor Store Manager	Fire Chief	Administration Staff
Public Works Staff	Police Officers/ Police Secretary	Liquor Store Staff	Firefighters	

## **Attendance & Absence**

The operations and standards of service in the City of Paynesville require that employees be at work unless valid reasons warrant absence, or an employee has a position that has been approved to work remotely. In order for a team to function efficiently and effectively, employees must fully understand the goals that have been set for them and the time required to be on the job. Understanding attendance requirements is an essential function of every City position.

Employees who are going to be absent from work are required to notify their Department Head as soon as possible in advance of the absence. In the event of an unexpected absence, employees should call their Department Head before the scheduled starting time and keep in mind the following procedures:

- If the Department Head is not available at the time, the employee should leave a message that includes a telephone number where he/she can be reached and/or contact any other individual who was designated by the Department Head.
- Failure to use the established reporting process will be grounds for disciplinary action.
- The employee must call the Department Head on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the Department Head.
- Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing.
- The City may waive this rule if extenuating circumstances warranted such behavior.

This policy does not preclude the City from administering discipline for unexcused absences of less than three (3) days. Individual departments may establish more specific reporting procedures.

For budgetary and confidentiality reasons, non-exempt employees (eligible for overtime pay) are not authorized to take work home or work through lunch without prior approval from their Department Head.

## **Access to and Use of City Property**

Any employee who has authorized possession of keys, tools, cell phones, pagers, radios or other City-owned equipment must register his/her name and the serial number (if applicable) or identifying information about the equipment with his/her Department Head.

All such equipment must be turned in and accounted for by any employee leaving employment with the City in order to resign in good standing.

Employees are responsible for the safekeeping and care of all such equipment. The duplication of keys owned by the City is prohibited unless authorized by the City Administrator. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

## **Appearance**

Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Dress needs vary by function. Employees who spend a portion of the day in the field need to dress in a professional manner appropriate to their jobs, as determined by their Department Head. Employees may dress in accordance with their gender identity, within the constraints of the dress codes adopted by the City. City staff shall not enforce the City's dress code more strictly against transgender and gender diverse employees than other employees.

## **Conflict of Interest**

City employees are to remove themselves from situations in which they would have to take action or make a decision where that action or decision could be a perceived or actual conflict of interest or could result in a personal benefit for themselves or a family member. If an employee has any question about whether such a conflict exists, he/she should consult with the City Administrator.

## **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 these policies, will be subject to immediate disciplinary action up to and including termination and potential criminal prosecution.

### **Whistleblower Protections**

An employee of the City who, in good faith, reports an activity that he/she considers to be illegal or dishonest to one or more of the parties may have whistleblower protections. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate City management officials are charged with these responsibilities.

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 a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate Department Head or Human Resources. 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.

It is the City's legal responsibility to protect employees who make a complaint of employment discrimination, who serve as a witness or participate in an investigation, or who are exercising their rights when requesting religious or disability accommodation from retaliation.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation; insofar as consistent with Minnesota Data Practices, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The City will not retaliate against a whistleblower. This includes but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

## **Personal Telephone Calls**

Personal telephone calls are to be made or received only when truly necessary (e.g., family or medical emergency). 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. Please refer to the cell phone policy for information on use of cellular phones.

## **Political Activity**

City employees have the right to express their views and to pursue legitimate involvement in the political system. However, no City employee will directly or indirectly, during hours of employment, solicit or receive funds for political purposes. Further, 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.

## **Smoking**

The City of Paynesville observes and supports the Minnesota Clean Indoor Air Act. All City buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that smoking in any form (through the use of tobacco products such as pipes, cigars, and cigarettes) or “vaping” with e-cigarettes is prohibited while in a City facility or vehicle.

Smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco, is prohibited for employees while on duty. Employees 18 and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

## **EMPLOYEE RECRUITMENT & SELECTION**

### **Scope**

The City Administrator or a 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 all hires to City employment. All hires will be made according to merit and fitness related to the position being filled.

### **Features of the Recruitment System**

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. It shall be the policy of the City to first consider filling vacancies in municipal service by promotion of qualified non-seasonal, full-time or part-time employees. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process.

Application for employment will generally be made online or by application forms provided by the City. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the City Administrator or designee. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline, in order to be considered for the position.

The deadline for application may be extended by the City Administrator. Unsolicited applications will not be kept on file.

Position vacancies may be filled on an “acting” basis as needed. The City Council will approve all acting appointments. Pay rate adjustments, if any, will be determined by the City Council.

## **Appointments**

All appointments to municipal positions shall be made by the City Administrator, subject to Council approval, based on merit and fitness for the position, free from personal and political considerations. When required by law, Council or the City Administrator, merit or fitness shall be ascertained by written, oral or other examinations designated to evaluate the ability of the candidate to successfully perform the position for which the examination is held.

## **Provisional Appointments**

If necessary to prevent interruption of service or inconvenience to the public, the City Administrator may make provisional appointment. A provisional appointment may be made for a specified period of time or may be open-ended. When the appointment is open-ended, the City Administrator shall determine the ending date based on needs of the City.

## **Duration of Employment**

Resignations, as an employee may terminate City employment at any time.

## **Employment Applications**

The City relies on the accuracy of information contained in the employment application, as well as the accuracy of other data presented through the hiring process and during the period of employment. Any misrepresentations, falsifications, or material omission in any of this information or data may result in the exclusion of the individual from further consideration for employment or if the person has been hired, termination of employment.

## **Vacancies, New Positions, Promotions**

New positions, vacancies, and increased hours shall be posted on the employee bulletin board in each department for a period of seven (7) calendar days. It shall be the policy of the City to first consider filling vacancies in municipal service by promotion of qualified non-seasonal, full-time or part-time employees. Qualified employees may indicate their interest in the position to the City Administrator within the seven (7) day period.

## **Trial Period**

An internal employee selected for a vacancy or new position (promotion or transfer) shall serve a ninety (90) day trial period. In the event the employee or the City determine that the employee is unable or unwilling to perform satisfactorily during this trial period, the employee shall be allowed to return to their previous position with no loss of seniority within the first thirty (30) days of the trial period.

## **Probationary Periods**

The probation period shall be utilized for observing the employee's work, for training the employee in the work expectations, and for rejecting any probationary employee whose performance does not meet the required work standards. All probationary period (except promotions) shall be a minimum of twelve (12) months. The City Administrator has the discretion of terminating the employee during this period if in his/her mind the employee is unable or unwilling to perform satisfactorily. The City Administrator has the discretion to extend the probation for a maximum of three (3) months, with a written set of

expectations that must be accomplished during that time period. Terminations during the initial probationary period are not arbitrable under the grievance procedure.

## **Testing and Examinations**

Applicant qualifications will be evaluated in one or more of the following ways: training and experience rating; written test; oral test or interview; performance or demonstrative test; physical agility test; or another appropriate job-related exam. For example:

- Keyboarding exercises for data entry positions.
- Writing exercises for positions requiring writing as part of the job duties.
- “In-basket” exercise for an administrative support position (sets up real-life scenarios and items that would likely be given to the position for action, and asks the candidate to list and prioritize the steps they would take to complete the tasks).
- Mock presentation to the City Council for a planning director position, for example.
- Scenarios of situations police officers are likely to encounter on the job that test the candidate’s decision-making skills (can be role played or multiple-choice questions).

Internal recruitments will be open to any City employee who: (1) has successfully completed the initial training period; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the past year has been in good standing with the City.

The City Council or designee will establish minimum qualifications for each position with input from the appropriate Department Head. To be eligible to participate in the selection process, a candidate must meet the minimum qualifications.

## **Pre-Employment Medical Exams**

The City Administrator or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any City position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam. When a pre-employment medical exam is required, it will be required of all candidates who are finalists and/or who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records.

When required, the medical exam will be conducted by a licensed physician designated by the City with the cost of the exam paid by the City. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist). The physician will notify the City Administrator or designee that a candidate either is or isn’t medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable. If the candidate 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 candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination.

## **Selection Process**

The selection process will be a cooperative effort between the City Administrator or designee, subject to final hiring approval of the City Council. Any, all, or none of the candidates may be interviewed.

The process for hiring seasonal and temporary employees may be delegated to the appropriate Department Head with each hire subject to final City Council approval. Except where prohibited by law, seasonal and temporary employees may be terminated by the Department Head at any time, subject to City Council approval.

The City Council has the right to make the final hiring decision based on qualifications, abilities, experience and City of Paynesville needs.

## **Background Checks**

All finalists for employment with the City will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's 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.

## **ORGANIZATION**

### **Job Descriptions And Classifications**

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of the City Administrator.

The City will maintain job descriptions for each position. New positions will be developed as needed but must be approved by the City Council prior to the position being filled.

A job description is prepared for each position within the City. Each job description will include: position title, department, Department Head's title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, Department Head responsibilities (if any), and extent of Department Head direction or guidance provided to position. In addition, job descriptions 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.

Each job description should contain the phrase "and other duties as required" so that it is clearly understood that job assignments may change at any time based on the needs of the organization.

Prior to posting a vacant position the existing job description is reviewed by the City Administrator or designee and the hiring Department Head to ensure the job description is an accurate reflection of the position and the stated job qualifications do not present artificial barriers to employment.

A current job description is provided to each new employee. Department Heads are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the City Administrator and the City Council.

### **Assigning and Scheduling Work**

Assignment of work duties and scheduling work is the responsibility of the Department Head subject to the approval of the City Administrator.

## **Layoffs**

In the event it becomes necessary to reduce personnel, temporary employees and those serving a probationary period in affected job classes will be terminated from employment with the City before other employees in those job classes. Within these groups, the selection of employees to be retained will be based on merit and ability as determined by the City Administrator, subject to approval of the City Council. When all other considerations are equal, the principle of seniority will apply in layoffs and recall from layoffs.

Prior to the effective date of any layoff for an indefinite period or for an anticipated period exceeding thirty (30) days, the City will provide notice in writing to the UNION and the employees affected at least ten (10) days in advance. This notice period may be shorter in the event that the need for the layoff is an unforeseen emergency.

An employee's right to recall shall exist for twelve (12) months after the employee's last date of layoff.

Failure to return to work within ten (10) working days of notice of recall shall terminate all rights to recall. Notice of recall shall be sent by registered mail to the employee's last address on file with the City. It shall be the employee's duty to notify the City of any address change.

Recall shall be based on the same criteria as layoff and no new employee will be employed to fill a vacant position if an employee is available from the layoff list with the ability to perform the work of the position. Refusal or failure to accept recall for a comparable position for which the employee on layoff is qualified shall terminate all right to recall.

The City shall advise the Union in writing at least sixty (60) days before taking any action that may result in the loss of a bargaining unit position. This sixty-day notice requirement will not apply where there is an emergency need to eliminate the position and the City provides written notice to the Union as soon as practical. The City shall include any information related to cost savings and consumer impact in its possession or that it may reasonably be able to obtain that may be requested by the Union. Within thirty (30) days of providing such advice, the City and the Union shall meet and discuss in good faith the effects of the City's decision including possible alternatives.

## **HOURS OF WORK**

### **Work Hours**

Employee work schedules are determined by the Department Head to complete the work of the department in the most efficient manner possible. Opportunities to work remotely will be established by the Department Heads with the approval of the City Administrator. Determining or changing work schedules are the authority of the Department Heads subject to approval of the City Administrator. This is intended only to define the normal hours of work and normal scheduling and to provide the basis for the calculation of overtime or other premium pay.

The normal work week for full time employees will be forty (40) hours. For police officers the standard work pay period shall be comprised of fourteen (14) consecutive days consisting of up to a maximum of 84 hour scheduled pay period.

Work shifts, work breaks, staffing schedules and the assignment of employees thereto shall be established by the City.

Employees may be required to work overtime or holidays when assigned unless excused by the City.

## **Meal Breaks and Rest Periods**

A paid fifteen (15) minute break is allowed within each four (4) consecutive hours of work. An unpaid thirty (30) minute lunch period is provided when an employee works eight (8) or more consecutive hours. Employees are expected to use these breaks as intended. With the Department Head's approval rest breaks may be combined to extend the lunch period.

Employees working in City buildings will normally take their break at the place provided for that purpose in each building. Employees working out-of-doors will normally take their break at the location of their work.

Employees whose duties involve traveling throughout the City may stop along the assigned route at a restaurant or other public accommodation for their fifteen (15) minute break. Exceptions must be approved by the Department Head or City Administrator.

Departments with unique job or coverage requirements may have additional rules, issued by the Department Head and subject to approval of the City Administrator, on the use of meal breaks and rest periods.

## **TIME CLOCK**

It is expected that employees be ready to work at the start of a shift and to remain until the completion of a shift. The City expects employees to adhere to this policy.

Disciplinary action may be taken if habitual punching in late or punching out early for or of a scheduled shift. Employees are not allowed to punch other employee's time cards. Employees must punch in and out for an unpaid lunch. If the employee forgets to punch their timecard notify the Department Head. Employees are responsible for working with their Department Heads on approving their time cards on a weekly basis. Overtime must be approved by the Department Head prior to taking.

## **Adverse Weather 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). Employees not reporting to work for reasons of personal safety will not normally have their pay reduced as a result of this absence. Employees will be allowed to use accrued PTO or compensatory time, or with Department Head approval, may modify the work schedule or make other reasonable schedule adjustments.

Inclement weather or hazardous road conditions occur during regular working hours (8:00 a.m. to 4:30 p.m.):

- The Police Chief and Public Works Director should inform the City Administrator of approaching inclement weather conditions or hazardous road conditions. It will be a joint decision as to whether the City Hall should close early to insure the staff is able to safely get home. Any time lost from the early closure will be taken as compensation time, PTO or additional hours can be worked during that same payroll period to make up for the lost time by the staff.

- The City Administrator will discuss with the Liquor Store Manager the staffing options that are available and determine if the store will close early.

Sworn police officers and public works maintenance employees will generally be required to report to work regardless of conditions.

City Hall will open when any two (2) members from City Administration have arrived.

The City Administrator will discuss with the Liquor Store Manager the staffing options that are available and determine when the store will open, which will be dependent on the accessibility due to snow plowing of property.

Decisions to cancel departmental programs (special events, recreation programs, etc.) will be made by the respective Department Head or the City Administrator.

## **COMPENSATION**

Full-time employees of the City will be compensated according to schedules adopted by the City Council. Unless approved by the Council, employees will not receive any amount from the City in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

Compensation for seasonal and temporary employees will be set by the City Council at the time of hire, or on an annual basis.

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, Minnesota law also requires wage disclosure protection rights and remedies to be included in City personnel handbooks. To that end, and in accordance with Minn. Stat. §181.172, City's may not:

- Require nondisclosure by an employee of his or her 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 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 at (651) 284-5070 or (800) 342-5354.

## **Step Placement Upon Hire**

If the City determines that the employee has additional education, training, experience or other qualifications warranting additional recognition, new hired may be placed above the first step, but no greater than the third step of the applicable pay grade for that classification.

## **Step Advancement**

Employees meeting or exceeding the minimum level of performance shall receive advancement to the next step on the salary schedule on January 1<sup>st</sup>. Employees who moved from one job classification to another during the term of this Policy will have their anniversary date for future step increases adjusted accordingly. No employee shall exceed the maximum salary for the range.

Employees meeting or exceeding the minimum level of performance shall receive advancement to the next step on the salary schedule on January 1<sup>st</sup>. Employees who move from one job classification to another during the term of this Policy will have their anniversary date for future step increases adjusted accordingly. No employee shall exceed the maximum salary for the range.

## **Promotional Step Placement**

Employees who are promoted to a new classification will move to the closest step in the new salary range that meets or exceeds five percent (5%) above the employee's existing salary (exclusive of overtime).

For police officers - Employees who are promoted to a new classification will move to the closest step in the new salary range that meets or exceeds three percent (3%) above the employee's existing salary (exclusive of overtime).

## **Demotion**

Employees who are demoted to a new classification will move to the same step in the demoted salary range.

## **Voluntary Demotion**

An employee voluntarily transferring to a job classification with a lower pay grade shall be placed on the same step of the lower pay grade.

## **Base Salary Range**

In no event may an employee exceed the maximum salary for the salary range, exclusive of premium pay.

## **SELECT ONE OR THE OTHER PAYCHECKS OR DIRECT DEPOSIT**

### **Paychecks**

Paychecks will not be given to anyone other than the person for whom they were prepared, unless the person has a note signed by the employee authorizing the City to give the other person the check. Checks will be given to the spouse, or another appropriate immediate family member, in the case of a deceased employee.

Employees are responsible for notifying the Finance Specialist of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc.

Paychecks will be distributed every two weeks. Distribution of paychecks to City employees is to be accomplished in a timely manner using accurate, consistent procedures.

When paydays fall on a holiday, checks are normally issued the day before the holiday.

## **Direct Deposit**

As provided for in Minnesota law, all employees are allowed to participate in direct deposit. Employees are responsible for notifying the Finance Specialist of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc.

## **Improper Deduction and Overpayment Policy**

If an employee believes that an improper deduction or overpayment, or another type of error, has been made, he/she should immediately contact his/her Department Head. If the City determines it has made an improper deduction from a paycheck, it will reimburse the employee for the improper amount deducted and take good faith measures to prevent improper deductions from being made in the future.

In cases of improper overpayments, employees are required to promptly repay the City in the amount of the overpayment. The employee can write a personal check or authorize a reduction in pay to cover the repayment. The City will not reduce an employee's pay without written authorization by the employee. Once the overpayment has been recovered in full, the employee's year to date earnings and taxes will be adjusted (so that the year's Form W-2 is correct) and the paying department will receive the corresponding credit. When an overpayment occurs, the repayment must be made within the same tax year.

In the exceptional situation where the overpayment occurs in one tax year and is not discovered until the next year, the overpayment must be repaid in the year it is discovered, but there will be additional steps and paperwork required. Any overpayments not repaid in full within the calendar year of the overpayment are considered "prior year overpayments" and the employee must repay not only for the net amount of the overpayment, but also the federal and state taxes the City has paid on their behalf. The City is able to recover the overpaid Social Security and Medicare taxes. Accordingly, the City will not require the employee to repay those taxes provided the employee provides a written statement that he/she will not request a refund of the taxes. The overpayment amount will remain taxable in the year of the overpayment since the employee had access to the funds. The employee is not entitled to file an amended tax return for the year, but may be entitled to a deduction or credit with respect to the repayment in the year of repayment. Employees should contact their tax advisors for additional information.

## **Time Reporting**

Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. In most cases, this will be 40 hours per workweek. They will be paid according to the time reported on their time sheets. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a bi-weekly basis. Each time reporting form must include the signature of the employee and immediate Department Head. Reporting false information on a time sheet may be cause for immediate termination.

## **Overtime/Compensatory Time**

The City of Paynesville has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Administrator will determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime. In general, employees in executive, administrative, and professional job classes are exempt; all others are non-exempt.

## **Overtime Compensation**

Overtime compensation due under this article may be taken in the form of equivalent compensatory time off at times mutually agreed upon by the employee and her/his immediate Department Head.

Stipulations for comp time are as follows:

1. 80 hours maximum banked. Upon reaching the limit, an employee must either receive cash for additional hours of overtime worked, or use some comp time before accruing further comp time.
2. Employee comp time must be approved by the applicable Department Head or the City Administrator before taken.
3. Each time upon turning in time cards, employee must let the City Administrator know if overtime will be reimbursed by cash or comp time. Once determined, it cannot be changed at a later date.
4. An employee may cash in up to 40 hours of earned comp time on the last pay period of the year. No more than 120 hours can be cashed in at the end of the year including both comp time and comp time on-call. An employee cannot carry over more than 40 hours of comp-time on-call hours at the end of the year so they must cash in any excess hours.

## **Non-Exempt (Overtime-Eligible) Employees**

All overtime-eligible employees will be compensated at the rate of time-and-one-half for all hours worked over 40 in one workweek. PTO and paid holidays do not count toward “hours worked.” Compensation will take the form of either time-and-one-half pay or compensatory time. Compensatory time is paid time off at the rate of one-and-one-half hours off for each hour of overtime worked.

Police Officers will receive overtime compensation – time and one half the employees’ base rate of pay – for all hours worked in excess of 84 scheduled hours pay period.

For most employees the workweek begins at midnight on Sunday and runs until the following Saturday night at 11:59 p.m. Department Heads may establish a different workweek based on the needs of the department, subject to the approval of the City Administrator.

The employee’s Department Head must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action.

Overtime earned will be paid at the rate of time-and-one-half on the next regularly scheduled payroll date.

All compensatory time will be marked as such on official time sheets, both when it is earned and when it is used.

## **Exempt (Non-Overtime-Eligible) Employees**

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their Department Heads.

Generally, to meet these expectations, and for reasons of public accountability, an exempt employee will need to work 40 or more hours per week. Exempt employees are allowed to earn compensatory time at a rate of time and one half above their work week.

Exempt employees are paid on a salary basis. This means they receive a predetermined amount of pay each pay period and are not paid by the hour.

The City of Paynesville will only make deductions from the weekly salary of an exempt employee in the following situations:

- The employee is in a position that does not earn PTO or personal leave and is absent for a day or more for personal reasons other than sickness or accident.
- The employee is in a position that earns PTO, receives a short-term disability benefit or workers' compensation wage loss benefits, and is absent for a full day due to sickness or disability, but he/she is either not yet qualified to use the paid leave or he/she has exhausted all of his/her paid leave.
- The employee is absent for a full workweek and, for whatever reason, the absence is not charged to paid leave (for example, a situation where the employee has exhausted all of his/her paid leave or a situation where the employee does not earn paid leave).
- The very first workweek or the very last workweek of employment with the City in which the employee does not work a full week. In this case, the City will prorate the employee's salary based on the time actually worked.
- The employee is in a position that earns paid leave and is absent for a partial day due to personal reasons, illness, or injury, but:
  - Paid leave has not been requested or has been denied.
  - Paid leave is exhausted.
  - The employee has specifically requested unpaid leave.
- The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
- The employee takes unpaid leave under the FMLA.
- The City of Paynesville may for budgetary reasons implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

The City of Paynesville will not make deductions from pay due to exempt employees being absent for jury duty or attendance as a witness but will require the employee to pay back to the City any amounts received by the employee as jury fees or witness fees.

If the City inadvertently makes an improper deduction to the weekly salary of an exempt employee, the City will reimburse the employee and make appropriate changes to comply in the future.

All employees, in all departments, are required to work overtime as requested by their Department Heads as a condition of continued employment. Refusal to work overtime may result in disciplinary action. Department Heads will make reasonable efforts to balance the personal needs of their employees when assigning overtime work.

### **Shift Differential**

An employee working between the hours of 8:00 p.m. and 6:00 a.m. will receive an additional one dollar (\$1.00) per hour for each hour actually worked during that time.

### **No Pyramiding**

The base pay rate or premium compensation shall not be paid more than once for the same hours worked under any provisions of this Agreement, nor any pyramiding of premium compensation.

### **On-call**

Maintenance personnel shall get paid \$200.00 for weekly on-call time of 115 hours (or \$1.74 per hour). The 2 hours (winter) or 4 hours (summer) in rounds may be scheduled during the regular work week. If any employee is called out, no adjustment is made to the on-call \$200.00. When the on-call week includes a holiday, as noted in Section 9.1, the employee will be paid an additional \$50.00. The employee shall be paid for call-out time in section 8.6. Employees are not required to be on the premises while on-call but must respond within 20 minutes of being called.

Police Officers shall be compensated \$2.00 per hour for on-call time. If any employee is called out, on-call time is not paid while the employee is being paid for call-out time. Employees are not required to be on the premises while on-call but must respond within 15 minutes of being called.

### **Call Back/Call-Out**

Employees called back to work additional hours by the City Administrator or Department Head, in addition to their regularly schedule work shifts, shall be compensated in the following manner:

1. If an employee is called back to work, they are paid a minimum of two hours straight time.
2. If an employee is called back to work and they have worked forty hours or more, they will be paid a minimum of two hours at time and a half.
3. Paid Time Off and holidays will be considered as part of a workweek when considering both call-out time and overtime compensation.

Police Officers called out to work additional hours outside of their regularly scheduled work shifts, to include court time, shall be compensated a minimum of two hours at time and one half.

### **Leave Policy for Exempt Employees**

Exempt employees are required to work the number of hours necessary to fulfill their responsibilities including evening meetings and/or on-call hours. The normal hours of business for exempt staff are Monday through Friday, 8 a.m. to 5 p.m., plus evening meetings as necessary.

Exempt employees are required to use paid leave when on personal business or away from the office for four (4) hours or more, on a given day. Absences of less than four (4) hours do not require use of paid leave as it is presumed that the staff member regularly puts in work hours above and beyond the normal

8 a.m. to 5 p.m. Monday through Friday requirement. Exempt employees must communicate their absence to the City Administrator or Mayor.

If one of the above employees is regularly absent from work under this policy and it is found that there is excessive time away from work that is not justified, the situation will be handled as a performance issue.

If it appears that less than forty (40) hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to determine whether a part-time position will meet the needs of the City. Additional notification and approval requirements may be adopted by the City Administrator for specific situations as determined necessary.

## **PERFORMANCE REVIEWS**

An objective performance review system will be established by the City Administrator and approved by the City Council 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 will be discussed with the employee. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable using the City's grievance process, other performance evaluation data, including subjective assessments, are not. For those parts of the performance evaluation system deemed not challengeable, an employee may submit a written response, which will be attached to the performance review. Performance reviews are to be scheduled on a regular basis, at least annually. The form, with all required signatures, will be retained as part of the employee's personnel file.

During the training period, informal performance meetings should occur frequently or at a minimum of twice in the first twelve (12) months between the Department Head and the employee. Conducting these informal performance meetings provides both the Department Head and the employee the opportunity to discuss what is expected, what is going well and not so well.

Performance evaluation is a basic tool of supervision and employee development. Employees and Department Heads can gain a better understanding of the job to be done and the methods available for accomplishing it. Performance expectations can be clarified and goals can be formally communicated. Although day-to-day communication should never be replaced, periodic reviews provides an opportunity to step back, take a look at how an employee is developing and contributing, and share insights, ideas, and feedback on how the performance relates to the overall goals of the City.

Signing of the performance review document by the employee acknowledges the review has been discussed with the Department Head and does not necessarily constitute agreement. Failure to sign the document by the employee will not delay processing.

## **BENEFITS**

### **Health/Life Insurance/Deferred Comp/Flex Spending**

### **Eligibility And Contribution**

The City will provide insurance coverage to all full-time employees and their dependents (to include spouse and children). The City will pay all health insurance costs for the employee and dependents on the City group insurance plan up to the employees premium monthly cap. After premium is paid, the City shall match any deposits into healthcare savings account (HSA) that the employee makes up to the City's premium monthly cap. Failure to accept the City health insurance plan within thirty (30) days of hire is a waiver of this benefit until the next annual open enrollment period.

## **Life Insurance**

The City will pay the entire premiums for the life insurance and accidental death and dismemberment coverage for regular full-time employees in the amount of twenty-five thousand dollars (\$25,000), employee's spouse (\$5,000) and each minor dependent (\$2,000).

## **Short And Long Term Disability**

All full-time eligible employees shall be offered participation in the City's short-term and long-term disability programs. An eligible employee is defined as a full-time regular employee who meets the definition of covered individual in the personnel policies.

The City will make available, if any, and contribute toward short term and long-term disability on the same basis and subject to the same conditions and restrictions as outlined in the City personnel policies.

## **Medical Reimbursement Plan**

All full-time eligible employees will be permitted to participate in the City's medical care expense reimbursement plan on the same basis and subject to the same conditions and restrictions as outlined in the City personnel policies and as the plan is amended to remain consistent with legal requirements.

## **Deferred Compensation**

The City will participate in a deferred compensation program. The City shall match up to five hundred (\$500.00) dollars annually. All employees (includes part time) are eligible to participate on a voluntary basis.

## **Wellness Program**

All full-time eligible employees will be allowed to convert accrued PTO at the employee's current hourly wage rate up to \$300.00 to use for the following:

- a. exercise programs or activities (such as aerobics, golf, softball);
- b. health or wellness classes (such as weight loss, smoking cessation, stress reduction);
- c. membership fees in health, exercise or sportsman's clubs;
- d. entry fee for team sports (such as softball or shooting league)

Participation is strictly voluntary. All employees must maintain a minimum balance of 100 hours of accrued PTO at all times to qualify for reimbursement. Employees must maintain this minimum after reimbursement to remain eligible. Clothing, equipment, lockers and guest fees are ineligible for reimbursement.

Only those activities and classes located in the Community of Paynesville will be eligible for reimbursement for employees, with the exception of the Tri-County Range. Reimbursement requests

must be submitted in writing prior to commencement of the activity or class. The City Administrator must approve reimbursement. Proof of successful completion or attendance may be required.

## **Police Department - Health and Wellness Program**

### **Purpose**

The Paynesville Police Department recognizes the importance of maintaining a healthy and balanced lifestyle. The department understands that the nature of police work can affect all aspects of an officer's life from sleep patterns, diet and exercise, social interactions, personal life, mental health, and spiritual health. The department also understands that officers within the department may suffer from cumulative or compounding stress and effects from critical incidents experienced on the job. The department recognizes that healthy and balanced officers are more productive and experience less workplace issues. While the overall health of officers in the department is ultimately the responsibility of the individual officers, the goal of the department is to provide all officers with the opportunity to maintain a healthy and balanced lifestyle.

### **Goal**

The goal of the Paynesville Police Department is to provide the officers in the department with an opportunity to maintain a healthy and balanced lifestyle. The health and wellness program is intended to address the physical health, including diet, exercise, and sleep, mental health, and spiritual health of an officer. The department believes that officers who are able to maintain a healthy lifestyle will be more productive, have less health issues that require time off and provide better stability for the department and community as a whole.

### **Program**

The Paynesville Police Department's Health and Wellness Program will be comprised of three separate components: Mind, Body, and Soul. The department believes that a fit body (physical) + a fit mind + a fit soul (spiritual) = a fit life (balanced life). The program is completely voluntary and participation in the program is not a condition of employment. All staff of the Paynesville Police Department will have an opportunity to participate in the program and information divulged to any professionals utilized during this program is strictly confidential unless the professional believes there is an imminent threat of death or great bodily harm to the officer or someone else.

### **Physical Health**

The Paynesville Police Department recognizes the importance of officers remaining physically fit and living a physically healthy lifestyle. There are several components to living a physically healthy lifestyle including diet, sleep habits, and exercise. The law enforcement profession is a physically demanding profession and officers who maintain a level of physical fitness are better equipped to handle physical altercations and situations that arise in the course of the job. Officers who remain physically fit also lessen the chances of being injured.

In an effort to assist department staff with maintaining a healthy lifestyle, the Paynesville Police Department will work with the Paynesville Area School District to provide staff with access to the fitness center at the high school at no cost. Staff will be allowed to utilize the fitness center during non-peak call hours (i.e. early morning or late night) while on shift if they choose. Officers may use the fitness center as part of their allotted breaks during their shift with the understanding that they must be available to

respond to calls quickly when they arise. No more than one on-duty officer may work out at a time and officers working special projects are not allowed to work out during their shift. In all cases, an officer should not work out more than 1 hour during their shift.

The Paynesville Police Department will also work with local and state entities to provide training when necessary to address officer health and wellness. This may include onsite training in Paynesville or elsewhere, access to dieticians, and access to physical trainers. Access to these resources will be at the direction of the Chief of Police with consultation of the officers and may not be available on a yearly basis.

## **Mental Health**

The Paynesville Police Department understand the level of stress officers endure over the course of their career can lead to mental health issues, chemically dependency issues and suicide. The department knows that cumulative or compounding stress as well as critical incidents can impact officers on multiple levels including loss of sleep, depression, anxiety, physical ailments, and decrease in work production.

In an effort to assist officers with maintaining a sound mind and good mental health, the department will provide officer's access to mental health professionals twice a year at no cost (up to \$150 a session). Officers will have the option to select a mental health professional of their choosing. The department believes access to these professionals as a mental health checkup for the officers and being pro-active in the approach to mental health will lessen potential problems throughout their career. The department will receive a bill for the appointment for the officer, but no other information will be divulged unless the professional believes there is an imminent threat of death or great bodily harm to the officer or someone else. If an officer needs further resources beyond the two appointments, the officer will be responsible for the cost associated with them. Officers may schedule the appointments during normal worked hours when staff levels allow for the officer's absence. Officers are encouraged to take advantage of the services as a way to stay pro-active with maintaining good mental health.

If an officer is involved in a critical incident, the officer may request additional services/resources beyond the allotted two sessions. In the event of a critical incident, the department will make efforts to bring in resources to debrief on the incident. Any requests for additional resources will need to be made to the Chief of Police or to one of the chaplains. The chaplains will advise the Chief of the need while keeping the individual confidential.

## **Spiritual Health**

The Paynesville Police Department understands that an officer's physical and mental health are key components to an officer leading a healthy lifestyle, but that an officer's soul (spiritual health) make up who that officer is. The spiritual health makes up traits like character, personality, morals, values, faith, belief and religion. The department believes that for an officer to truly live a healthy and balanced lifestyle, officers must remember to address their spiritual health as well.

As part of this program, the Paynesville Police Department in partnership with the Paynesville Ministerial Association will develop the Paynesville Area Chaplaincy program. This program will focus on the availability of faith-based leaders to respond and assist officers and residents in times of crisis. It is also intended to support the on-going spiritual health of the officers though periodic check-ups, lunches and emails. The chaplains may also provide weekly non-denominational devotions to officers upon request. Chaplains will be available to respond to critical incidents and death scenes to support officers, family members, or others in need, when appropriate, at the request of any member of the department. The

chaplains will be expected to do a periodic ride-along with officers to gain a better understanding of the nature of police work as well as attend training specifically geared towards being a police chaplain.

The department also understands that a key part of maintaining good spiritual health is an officer's ability to participate in spiritual activities on a regular basis. Officers will be authorized to participate in spiritual activities and church services during their normal work shifts within the Paynesville Area. Officers may attend these functions as part of their allotted breaks during their shift with the understanding that they must be available to respond to calls quickly when they arise. Officers may not attend a spiritual activity or church services if they have used their allotted breaks to use the fitness center and vice versa.

## **Conclusion**

The law enforcement community has learned over the years that having a healthy department and staff within that department produces positive results. When the department and officers as a whole are healthy, the community receives a higher quality of service and the potential for a decrease in liability. This program is intended to address the needs of all officers and staff within the police department. The department believes this program is good for the individual, good for the organization and good for the community.

## **Retirement/PERA**

The City participates in the Public Employees Retirement Association (PERA) to provide pension benefits for its eligible employees to help plan for a successful and secure retirement. Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. The City and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each pay check for Social Security and Medicare (the City matches the employee's Social Security and Medicare withholding for many employees). For information about PERA eligibility and contribution requirements, contact the Finance Specialist.

## **Tuition Reimbursement**

To be considered for tuition reimbursement, the employee must be in good standing and have been employed by the City for at least one (1) year. All requests for tuition reimbursement will be considered on a case-by-case basis by the City Administrator, with final approval/disapproval provided by the City Council.

Courses taken for credit at an approved educational institution must meet the following criteria to be approved for reimbursement:

- Courses must be directly related to the employee's present position (whether required for a degree program or not); OR
- Courses must be directly related to a reasonable promotional opportunity in the same field of work as present position (whether part of a degree program or not).

The City will pay the cost of tuition upon successful completion (C grade or better; "pass" in a pass/fail course) of the approved course. Reimbursements will be prorated for part-time employees. The maximum reimbursement per course will be based on an average course cost at the University of Minnesota. Employees may elect to attend a more costly school provided they pay the difference in cost. Employees must reimburse the City if they voluntarily leave employment within twelve (12) months of receiving tuition reimbursement from the City.

**\*TO DISCUSS\***

Tuition reimbursement for an individual employee will not exceed \$\_\_\_\_\_ per year.

## **Education**

Employees attending schools, training sessions, classes, seminars, etc. required by the City, shall be compensated at their regular rate of pay for the time attending. If applicable, travel time will also be paid at the same rate. If the employee believes that a class, conference or training seminar would benefit them in their position with the City, the City Council has the final authority to approve or disapprove such requests.

## **REIMBURSEMENT**

1. Must have a detailed original receipt for meals, hotel bills and other miscellaneous expenditures. Items summarized on credit cards bills, hotel receipts or receipt stubs are not acceptable.
2. The City will pay for employee's meals only. The City will not pay for meals when the meal is provided by the conference/seminar, etc. the employee is attending. There are monetary caps for breakfast of \$15.00, lunch \$20.00 and dinner \$35.00.
3. The City will pay for a reasonable tip. Tip must not exceed 20% of cost of meal and beverage.
4. The City will not pay for any alcoholic beverages.
5. The City will not pay for any personal telephone calls.
6. The City will not pay for any entertainment costs.
7. The City will pay for hotel costs for employee only - any additional costs for any extra guests will be your responsibility.
8. Mileage will be reimbursed at the current IRS rate. Car-pooling will be utilized. Mileage will be paid to one vehicle per seminar/meeting, etc. as long as all parties can travel legally and practically in the vehicle.
9. Mileage will be paid for the distance to and from the assigned destination. Mileage will not be paid while driving to and from entertainment locations.
10. All reimbursements will be paid by voucher upon approval by the City Council.

## **OUT OF STATE TRAVEL FOR ELECTED AND APPOINTED OFFICIALS**

### **Purpose**

The purpose of this policy is to establish guidelines for the reimbursement of expenses on official city business related to out-of-state travel for elected and appointed officials.

## **Out-Of-State Travel**

The event, workshop, conference, or assignment must be approved in advance by the City Council and must include a detail estimate of the cost of the travel. In evaluating the request, the Council will consider the following:

- Whether the elected or appointed official will be receiving training on issues relevant to the City or to their role;
- Whether the elected or appointed official will be meeting and networking with other elected or appointed officials from around the country to exchange ideas on topics relevant to the City or on the official roles of local officials.
- Whether the elected or appointed official will be viewing a City facility or function that is similar in nature to one that is currently operating at, or under consideration by the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full council.
- Whether the elected or appointed official has been specifically assigned by the Council to visit another City for the purpose of establishing a goodwill relationship such as a “sister city” relationship.
- Whether the elected or appointed official has been specifically assigned by the Council to visit another City for the purpose of promoting economic development and/or tourism.
- Whether the elected or appointed official has been specifically assigned by the Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City.
- Whether the City has sufficient funding available in the budget to pay for the cost of the trip.

No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.

The City may make payments in advance for airfare, lodging, and registration if specifically approved by the Council by charging to the City credit card; otherwise all payments will be made as reimbursements to the elected or appointed official.

The City will reimburse for transportation, lodging, meals, registration, and incidental costs as pre-approved.

## **Allowable Expenses-Lodging**

Accommodations shall be selected at a reasonable cost consistent with the facilities available and convenient to the location of the conference, seminar, or meeting attending.

Only the costs of single occupancy will be reimbursed. If a double occupancy occurs (i.e. a spouse/guest accompanies the elected or appointed official) the elected or appointed official is responsible for the additional costs over single occupancy.

Lodging for the night before or final evening of the commencement of a conference, seminar, or meeting may be claimed, if travel would otherwise be impractical.

Reimbursement for meals and lodging shall be limited to the period of time required if commercial air transportation was used. Generally, this includes one travel day prior to the conference and one travel day after the conference. If a conference does not start until the late afternoon or evening, that day shall be considered the travel day.

Receipts for lodging must be turned in whether paid on the City credit card or being reimbursed to the elected or appointed official.

### **Allowable Expenses-Transportation**

Allowable transportation costs shall include reimbursement for mileage accumulated on a personal vehicle at the current federal IRS rate of mileage reimbursement or the actual round-trip coach-class airfare rate, whichever is less. When two or more elected or appointed officials are traveling in one automobile, reimbursement shall be made to one elected or appointed official.

Air transportation shall be coach-class unless such service is unavailable. Reservations are to be made in advance at the earliest date to insure the lowest possible fares. "Super Saver"-type rates shall be used if available and appropriate for the particular situation. If the reservation is not going to be used, it must be canceled immediately.

Airline travel credit. Any credits or other benefits issued by any airline must accrue to the benefit of the City; therefore, the City will initially pay for the cost of airfare by using the City credit card as stated in section 2.03.

Local transportation such as taxicab and bus fares to and from the place of lodging and conference, seminar, or meeting is reimbursable only if circumstances require such travel. Costs for local transportation not pertaining directly to City business will not be reimbursed.

Mileage will be paid for the distance to and from the assigned destination. Mileage will not be paid while driving to and from entertainment locations.

### **Allowable Expenses-Meals**

Reimbursement for meals while on authorized travel shall include only actual expenditures including tax and tip. Receipts for meals must have a detailed original receipt and must clearly indicate whether the requested reimbursement is for breakfast, lunch, or dinner and the date of the meal. Detailed meal receipts should be obtained indicating the actual items purchased. Items summarized on credit card bills, hotel receipts or receipt stubs are not acceptable. Reimbursement will not be provided for any meals which are included as part of registration, tuition, or fees.

Reimbursement is not allowed for alcoholic beverages.

The City will pay for elected or appointed official's meals only. The City will not pay for meals when the meal is provided by the conference, seminar, etc. the elected or appointed official is attending. The monetary cap for breakfast is \$15.00, lunch \$20.00, and dinner \$35.00. Any amounts exceeding these meal caps is subject to City Council approval only for out of state travel.

Tips must not exceed 20% of cost of meal and beverage.

### **Allowable Expenses – Generally**

Receipts must accompany claims for reimbursement. Each such receipt shall clearly depict the type of expense incurred, the date of its incurrence, and the purpose of the expense. When using a credit card

write the purpose of the expense on the credit slip. If the credit purchase is made over the phone, a record of the amount, purpose, and vendor must be turned into accounts payable.

Miscellaneous expenses may be authorized, such as business-related telephone, fax, internet, and tips for bellhops.

Spouse/Guest's conference registration or airline tickets may be advanced by the City but must be reimbursed by the elected or appointed official. The City shall pay no expenses for a spouse or guest who accompanies the elected or appointed official to a conference, seminar, or meeting including the incremental lodging expenses over single occupancy rates.

The City will not reimburse for personal telephone calls, rental of luxury vehicles, any entertainment costs, or extracurricular recreational expenses (i.e. golf, tennis, etc.).

## **Other**

The City will not pay for Council members, who have announced an intention to resign, not seek reelection, or who have been defeated in an election. Any employee who resigns within 3 months from the travel time shall reimburse the City all costs for the trip.

Elected or appointed officials who travel out of state pursuant to this policy must give a written report on the results of the trip at the next Council meeting.

Elected or appointed officials who travel out of state for training must turn over training materials to the City either after the training is completed or upon the Council member no longer serving as a Council member or the elected or appointed official no longer employed by the City.

## **Uniforms**

The City will provide uniforms for those employees in the public works department who are required to wear City designated specific uniforms while on duty. The City will provide basic safety eyewear protection limited to lens and frames. The City will provide an initial pair of safety boots Public Works employees that are not seasonal employees, and are approved by the Public Works Director. Thereafter the City will pay up to one pair of safety boots for full time employees each subsequent calendar year and for part time non-seasonal employees each two calendar years provided that the Public Works Director has determined that the safety boots need to be replaced, that the wear to the safety boots was job related and has determined that the purchase price is reasonable. The City may determine that footwear is limited to certain brands and/ or available only from certain locations. Items damaged through carelessness, or lost, will be the employee's responsibility to replace. Employees who separate from the City must turn in their uniforms except eyewear and footwear.

The City will provide all Police Officer uniforms and safety gear, including emblems, insignia and brass. Replacement of these items will be made on a "needs basis" as determined and approved by the Police Chief. Employees who separate from the City must turn in their uniforms, including emblems, insignia and brass.

## **HOLIDAYS**

Full-time employees will receive pay for official holidays at their normal straight time rates, provided they are on paid status on the last scheduled day prior to the holiday and first scheduled day immediately

after the holiday. Part-time employees will receive prorated holiday pay based on the number of hours normally scheduled. Any employee on a leave of absence without pay from the City is not eligible for holiday pay.

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.

Employees wanting to observe holidays other than those officially observed by the City may request either PTO or unpaid leave for such time off.

## **Paid Holidays**

Employees shall receive eight (8) hours pay at their regular hourly rate for each of the following holidays when not scheduled to work:

New Year’s Day	January 1
Martin Luther King Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Day after Fourth Thursday in November* (City union employees only, excludes non-union and police employees)
Christmas Eve *	December 24
Christmas Day	December 25

\* Christmas Eve will be considered a four-hour paid straight time holiday when it falls Monday through Thursday. Christmas Eve will not be considered a holiday when it falls Friday through Sunday.

\* Official holidays commence at the beginning of the first shift of the day on which the holiday is observed and continue for twenty-four (24) hours thereafter.

## **Observance Of Weekend Holiday**

In the event that any of the holidays (with the exception of Christmas Eve) falls on a Saturday, the observed holiday will be the preceding Friday. In the event that any of the holidays (with the exception of Christmas Eve) falls on a Sunday, the observed holiday will be the following Monday.

## **Holiday Worked**

Any employee who works on a holiday shall be paid at the rate of time and one half the regular hourly rate for each hour worked, plus holiday pay at straight time.

## **Holiday Pay For Part-Time Employees**

Part time employees shall receive paid holidays on a pro-rata basis. This shall occur on a quarterly basis. The formula shall be the average number of hours worked per week multiplied by that percentage of hours the employee works in a 40-hour work week which shall be the number of hours paid to the employee for holidays during the following quarter.

## **PERSONAL DAY**

### **Police - Personal Day**

Police Officers shall provide the Police Chief with two (2) days advance notice of a desire to use the personal leave day. The personal holiday must be taken no later than the last pay period in the applicable calendar year.

### **Non-Union Personal Day**

All non-union full-time employees shall be granted one (1) paid personal day per year after the first year of employment. Requests to take off the personal day will follow the same procedure as that of PTO requests. A personal day must be used in the same year it was accrued. It must be used before the last payroll ending date of the last payroll of the year or it will be forfeited.

## **LEAVES OF ABSENCE**

Depending upon an employee's situation, more than one form of leave may apply during the same period of time (e.g., the Family and Medical Leave Act is likely to apply during a workers' compensation absence). An employee will need to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis.

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. The City will provide employees with time away from work as required by state or federal statutes, if there are requirements for such time off that are not described in the personnel policies.

Employees may request leaves of absence for medical or personal reasons not covered by statute. All medical leave of absence requests must be accompanied by a physician's statement that designates the expected duration of the disability or illness. The leave of absence will be granted or denied at the City's sole discretion.

### **Leave Of Absence Other Than Medical**

An employee taking a leave of absence for other than medical reasons must use accrued PTO hours down to forty (40) before beginning an unpaid leave of absence.

## **PAID TIME OFF (PTO)**

### **Accumulation**

Time off with pay is accumulated and accrued on a monthly basis and may be used subsequent to the month in which it was earned.

## Monthly Accrual

Full-time regular employees shall accrue PTO according to the following schedule:

<u>Years of Service</u>	<u>Days per Year*</u>	<u>Hours per Year</u>
1-2	16	128
3-4	19	152
5-7	22	176
8-9	25	200
10-15	28	224
16- over	31	248

\* Based on an 8-hour day.

## PTO Requests

The City will consider PTO requests based on the needs of the City. Employees requesting PTO must provide at least 24 hours advance notice for the City to consider the request. The City may waive this requirement at its discretion.

## Probationary Employees

Probationary employees will accrue PTO time during the probationary period but may not use PTO except as may be authorized in the discretion of the City. PTO earned during the probationary period may not cash out in the event the employee does not successfully complete the probationary period.

## Years of Service

Years of service shall mean consecutive employment as a full-time employee.

## Holiday During PTO

When a paid holiday falls during an employee's PTO period, she/he shall not be charged a day of paid PTO.

## Accrual Limit

Employee PTO accrual is limited to 325 hours.

## PTO Use

PTO may be used in increments of not less than 15 minutes (1/4 hour).

## Compensation Upon Resignation

Employees separating from employment with the City of Paynesville in good standing shall be compensated for one hundred seventy-five (175) hours of PTO time accrued and unused as of the date of separation at current hourly wage. Good standing means that an employee is resigning with two weeks advance notice.

## **Workers Compensation**

Employees receiving compensation for a City work related injury will be permitted to use accrued and unused PTO hours to make up the difference between the worker's compensation payments and the employee's normal earnings.

## **Doctor's Certificate**

The City may require a doctor's certificate for any absence of three (3) or more consecutive days, for absences that follow a pattern, are in excess of five (5) days per year, precede or follow a holiday or otherwise where the City suspects potential abuse.

## **Funeral Leave**

Employees may take up to three (3) working days with pay upon the death of an immediate family member. Immediate family will consist of: spouse, grandparent (including step grandparent), parent (including step parent and in-law), child (including step children, wards and in-laws), sibling (including step and in-law), and grandchild (including step grandchild) of the employee or the employee's spouse. Employees may take one (1) working day with pay upon the death of an aunt, uncle, niece, nephew, or member of the household not in the definition of immediate family. This paid leave will not be deducted from the employee's vacation or sick leave balance. The City may, upon request, exercise discretion to permit employees to utilize PTO for additional days of funeral leave.

## **City Employee's Funeral**

Employees of the City may attend the funeral of a City employee without loss of pay up to 8 hours.

**\*TO DISCUSS – CURRENTLY NOT A CITY BENEFIT\***

### **A. PTO Conversion**

1. This section includes three alternative conversion programs that do not result in constructive receipt. Annual leave will be eligible for conversion to a special-pay 457 deferred compensation plan on an hour-for-hour basis (subject to the applicable maximum under the Internal Revenue Code) annually in accordance with the following conditions. Up to 40% of the annual leave balance, not to exceed eighty (80) hours, may be converted each year provided the employee has used at least 30% of his/her annual accrual during the current calendar year and has a balance of at least 176 hours.

Under Minn. Stat. §356.24, a City may make only two types of contributions to a 457(b) plan – matching contributions and contributions of accrued leave and severance. With respect to the latter type of contribution, the contribution must be made to a plan that is wholly and solely funded by contributions of leave and severance. A contribution of accrued leave without the option of receiving cash in lieu of the contribution would be treated as a City contribution under federal law. Although it is not clear, such a contribution likely would also be treated as a City contribution for purposes of Section 356.24. To ensure the City has authority to make the contribution, it should be made to a special pay 457(b) plan that is funded solely with leave contributions. Also note that the City's 457(b) plan must authorize these types of contributions (e.g., the plan must define compensation for purposes of deferrals to include accrued leave).

The minimum balance requirement will be determined as of the first payroll in December and the employee's election must be received by December 31<sup>st</sup>. Payment will be based on the employee's

regular hourly rate on December 1. This assumes there is no annual cash out payments of accrued leave in December. An election to contribute cashed out leave to a 457(b) plan must be made in the calendar month preceding the month in which the cash payment is made.

Conversion to deferred compensation will occur in the second payroll of the following year with specific dates to be determined by accounting each year. Accounting will notify all employees in November of each year as to the dates and conversion options. Regular hourly rate for the purpose of this policy is the employee's straight time rate not including overtime, pay differentials, out-of-class adjustments or any other additions to regular pay.]

2. Annual leave will be converted to a cash payment on an hour-for-hour basis annually in accordance with the following conditions. Up to 40% of the annual leave balance, not to exceed eighty (80) hours, will be converted to cash each year provided the employee has used at least 30% of his/her annual accrual during the current calendar year and has a balance of at least 176 hours. The amounts and percentages are illustrative. The City selects the applicable amounts and percentages.

The minimum balance requirement will be determined as of the first payroll in December. Payment will be based on the employee's regular hourly rate on December 1.

The converted leave will be paid in the second payroll of the following year with specific dates to be determined by accounting each year. Regular hourly rate for the purpose of this policy is the employee's straight time rate not including overtime, pay differentials, out-of-class adjustments or any other additions to regular pay.

Annual leave will be eligible for conversion to cash on an hour-for-hour basis annually subject to the following conditions. The employee may elect to convert up to eighty (80) hours to be earned in the following calendar year if the employee has a balance of at least 176 hours as of the first payroll in December. The conversion election must be made prior to December 31<sup>st</sup> of the calendar year preceding the year in which the leave will be earned and paid in cash. Elections to convert leave are irrevocable. The amounts and percentages are illustrative. The City selects the applicable amounts and percentages.

3. The converted leave will be paid [insert payment schedule]. Payment will be based on the employee's regular hourly rate at the time the leave is earned. Regular hourly rate for the purpose of this policy is the employee's straight time rate not including overtime, pay differentials, out-of-class adjustments or any other additions to regular pay.

The employee may elect to defer the payment of the converted leave to the City's 457 deferred compensation plan in accordance with the terms of that plan.

## **Military Leave**

State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, 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.

The leave of absence is only in the event the employee returns to employment with the City as required upon being relieved from service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or

naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five years.

Where possible, notice is to be provided to the City at least ten (10) working days in advance of the requested leave. If an employee has not yet used his/her fifteen (15) days of paid leave when called to active duty, any unused paid time will be allowed for the active duty time, prior to the unpaid leave of absence.

Employees returning from military service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accruals.

Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen (15) days will follow the same procedures as for any employee on an unpaid leave of absence.

Employees will be granted up to ten (10) working days of unpaid leave whose immediate family member is a member of the United States armed forces who has been injured or killed while engaged in active service. The 10 days may be reduced if an employee elects to use appropriate accrued paid leave.

Unless the leave would unduly disrupt the operations of the City, employees whose immediate family member, as a member of the United States armed forces has been ordered into active service in support of a war or other national emergency, will be granted an unpaid leave of absence, not to exceed one day's duration in any calendar year, to attend a send-off or homecoming ceremony for the mobilized service member.

## **Jury Duty**

Regular full-time and part-time employees will be granted paid leaves of absence for required jury duty. Such employees will be required to turn over any compensation they receive for jury duty, minus mileage reimbursement, to the City in order to receive their regular wages for the period. Time spent on jury duty will not be counted as time worked in computing overtime.

Employees excused or released from jury duty during their regular working hours will report to their regular work duties as soon as reasonably possible or will take accrued PTP or compensatory time to make up the difference.

Employees are required to notify their Department Head as soon as possible after receiving notice to report for jury duty. The employee will be responsible for ensuring that a report of time spent on jury duty and pay form is completed by the clerk of court so the City will be able to determine the amount of compensation due for the period involved.

Temporary and seasonal employees are generally not eligible for compensation for absences due to jury duty but can take a leave without pay subject to Department Head approval. However, if a temporary or seasonal employee is classified as exempt, he/she will receive compensation for the jury duty time.

## **Court Appearances**

Employees will be paid their regular wage to testify in court for City-related business. Any compensation received for court appearances (e.g. subpoena fees) arising out of or in connection with City employment, minus mileage reimbursement, must be turned over to the City.

## Victim or Witness Leave

A City must allow 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 (immediate family member includes parent, spouse, child or sibling of the employee) of such victim, reasonable time off from work to attend criminal proceedings related to the victim's case.

## Job Related Injury or Illness

All employees are required to report any job-related illnesses or injuries to their Department Head immediately (no matter how minor). If a Department Head is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her Department Head of the action taken. In the case of a serious emergency, 911 should be called.

If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the Department Head and make arrangements for a medical appointment.

Workers' compensation benefits and procedures to return to work will be applied according to applicable state and federal laws.

## Pregnancy and Parenting Leave

**\*To Discuss\***

**[The Minnesota law changed effective July 1, 2014]**



**Note:** State law requirement for cities with 21 or more employees.



**Note:** Please check with your City attorney to determine whether your City firefighters will be included in this employee count. Typically, but by no means in every circumstance, employees who are paid at least minimum wage would be included in a City's employee count, while employees who are true volunteers would not.

Employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with after the birth or adoption of a child as eligible for up to twelve (12) weeks of unpaid leave and must begin within twelve (12) months of the birth or adoption of the child. 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. Employee should provide reasonable notice, which is at least XX days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Employees are required to use accrued leave (i.e., sick leave, vacation leave, etc.) during Parenting Leave. If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently. The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless otherwise provided in this policy (i.e., where leave is also FMLA qualifying). For

employees on an FMLA absence as well, the City contributions toward insurance benefits will continue during the FMLA leave absence.

## **Adoptive Parents**

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave). The leave must be for the purpose of arranging the child's placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

## **Administrative Leave**

Under special circumstances, an 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.

## **School Conference Leave**

Any employee who has worked half-time or more for more may take unpaid leave for up to a total of sixteen (16) hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable 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. Employees may choose to use PTO leave hours for this absence, but are not required to do so.

## **Bone Marrow/Organ Donation Leave**

Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours, unless agreed to by the City, 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.

## **Elections/Voting**

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided that the employee gives the City at least thirty (30) days written notice.

All employees eligible to vote at a State general election, at an election to fill a vacancy in the office of United States Senator or Representative, or in a Presidential primary, will be allowed time off with pay to vote on the election day. Employees wanting to take advantage of such leave are required to work with their Department Head to avoid coverage issues.

## **Regular Leave Without Pay**

The City Administrator may authorize leave without pay for up to thirty (30) days. Leave without pay for greater periods may be granted by the City Council.

Normally employee benefits will not be earned by an employee while on leave without pay. However, the City's contribution toward health and life insurance may be continued, if approved by the City Council, for leaves of up to ninety (90) days when the leave is for medical reasons and FMLA has been exhausted.

If an employee is on a regular leave without pay and is not working any hours, the employee will not accrue (or be paid for) holidays or PTO. Employees who are working reduced hours while on this type of leave will receive holiday pay on a prorated basis and will accrue PTO based on actual hours worked.

Leave without pay hours will not count toward seniority and all accrued PTO and compensatory time must normally be used before an unpaid leave of absence will be approved.

To qualify for leave without pay, an employee need not have used all PTO earned unless the leave is for medical reasons. Leave without pay for purposes other than medical leave or work-related injuries will be at the convenience of the City.

Employees returning from a leave without pay for a reason other than a qualified Parenting Leave or FMLA, will be guaranteed return to the original position only for absences of thirty (30) calendar days or less.

Employees receiving leave without pay in excess of thirty (30) calendar days, for reasons other than qualified Parenting Leave or FMLA, are not guaranteed return to their original position. If their original position or a position of similar or lesser status is available, it may be offered at the discretion of the City Administrator subject to approval of the City Council.

The Family and Medical Leave Act (29 CFR Part 825) provides certain employees with up to 12 workweeks of unpaid, job-protected leave a year, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.

The FMLA applies to all public agencies, including state, local and federal employers and local education agencies (schools). To be eligible for FMLA leave, an employee must work for a covered City and:

- have worked for that City for at least 12 months; and
- have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and
- work at a location where at least 50 employees are employed at the location or within seventy-five (75) miles of the location.

Given the employee eligibility requirements, even though all cities are covered by the FMLA, only employees in cities with more than 50 employees have the potential to qualify for FMLA protected leave. Thus, only cities with 50 or more employees generally include an FMLA policy in their personnel policies.

## Family and Medical Leave

- **To Discuss\***

### LMC Model Policy (This policy was inserted)

League staff thoughtfully develops models for your City's consideration. Models should be customized as appropriate for an individual City's circumstances in consultation with the City's attorney. Helpful background information on this model may be found in the Information Memo "Family and Medical Leave Act."



**This icon marks places where the City must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your City.**

### ELIGIBILITY

To qualify to take FMLA leave under this policy, an employee must meet all the following conditions:

- Have worked for the City for 12 months (or 52 weeks) prior to the date the leave is to commence. The 12 months or 52 weeks need not have been consecutive; however, the City will not consider any service 7 years prior to the employee's most recent hire date.



*Optional: unless the break was due to National Guard or Reserves military service obligation.*

- Have worked at least 1,250 hours during the 12-month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee.



*Optional: the 1250 hours include only on-the-clock hours worked and do not include leave, PTO or vacation hours.*

### TYPES OF LEAVE COVERED BY FMLA

Leave will be granted to all eligible employees for any of the following reasons:

- The birth of a child, including prenatal care, or placement of a child with the employee for adoption or foster care;
- To care for a spouse, child, or parent who has a serious health condition;
- Due to a serious health condition that makes the employee unable to perform the essential functions of the position;
- A covered military member's active duty or call to duty or to care for a covered military member (Military Caregiver and Qualified Exigency Leave) (described below).

### DEFINITIONS

- "Spouse" does not include domestic partners or common-law spouses.
- "Caring for" a covered family member includes psychological as well as physical care. It also includes acquiring care and sharing care duties. An eligible "child," with some exceptions, is under 18 years of age.
- An eligible "parent" includes a biological parent or a person who stood in the place of a parent.



*Optional: Charged with parental rights, duties, and responsibilities over the employee when the employee was under the age of 18.*

- "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- **Hospital Care:** Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- **Pregnancy:** Any period of incapacity due to pregnancy, prenatal medical care or childbirth;
- **Absence Plus Treatment:** A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by or under the supervision of a health care provider.
- **Chronic Conditions Requiring Treatments:** An incapacity from a chronic condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity;
- **Permanent/Long-Term Conditions Requiring Supervision**
- **Multiple Treatments:** Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

## LENGTH AND AMOUNT OF LEAVE

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The leave year is calculated based on a \_\_\_\_\_ basis.



*Mandatory: You must pick one of 3 options: (1) rolling backward; (2) Fixed or calendar date; or (3) looking forward.*

The entitlement to FMLA leave for the birth or placement of a child for adoption expires twelve (12) months after the birth or placement of that child.



*Optional: Special Rule Applicable to Spouses who are Both Employed by the City: If the City employs both spouses, the combined total Family and Medical Leave to which they will be entitled together will be 12 weeks in any 12-month period if the leave is taken as (1) a Family Illness Leave to care for the employee's parent or (2) Birth, Adoption and Child Care Leave.*

*Please note: The Minnesota Human Rights Act, protects employees from discrimination based on "marital status," which is defined as "whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse. §363A.02, subd. 24. It is unclear whether this provision could apply to an employer who applied the "same spouse" rule. In other words, whether enforcing the FMLA provision which allows an employer to limit the amount of leave for a married couple to a total of 12 weeks could be viewed as a violation of this section of the statute.*

## HOW LEAVE MAY BE TAKEN

FMLA leave may be taken for 12 (or less) consecutive weeks, may be used intermittently (a day periodically when needed), or may be used to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks.

Intermittent leave may be taken when medically necessary for the employee's serious health condition or to care for a seriously ill family member. Intermittent leave must be documented in the medical certification form as medically necessary.

If an employee is taking intermittent leave or leave on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as to not disrupt the City's business.

In instances when intermittent or reduced schedule leave for the employee or employee's family member is foreseeable or is for planned medical treatment, including recovery from a serious health condition,

the City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

Intermittent/reduced scheduled leave may be taken to care for a newborn or newly placed adopted or foster care child only with the City's approval.

### **PROCEDURE FOR REQUESTING LEAVE AND NOTICE**

All employees requesting FMLA leave must provide written or verbal notice of the need for the leave to \_\_\_\_\_.

 *Insert the title of the person to whom notice must be given.*

When the need for the leave is foreseeable, the employee must give verbal or written notice to his/her supervisor at least thirty (30) days prior to the date on which leave is to begin.

If thirty (30) days' notice cannot be given, the employee is required to give as much notice as practicable, including following required call-in procedures.

 *Optional: If an employee fails to give thirty (30) days' notice for a foreseeable leave with no reasonable explanation for the delay, the leave may be denied until thirty (30) days after the employee provides notice.*

The City requires an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **CERTIFICATION AND DOCUMENTATION REQUIREMENTS**

For leave due to an employee's serious health condition or that of an employee's family member, the City will require the completion of a Medical Certification form by the attending physician or practitioner. The form must be submitted by the employee to the City Administrator within fifteen (15) calendar days after leave is requested. If the form is not submitted in a timely fashion, the employee must provide a reasonable explanation for the delay. Failure to provide medical certification may result in a denial or delay of the leave.

When leave is due to an employee's own serious health condition, a fitness for duty certification (FFD) will be required before an employee can return to work. Failure to timely provide such certification may eliminate or delay an employee's right to reinstatement under the FMLA.

If an employee is using intermittent leave and reasonable safety concerns exist regarding the employee's ability to perform his or her duties, an FFD certificate may be required as frequently as every 30 days during periods when the employee has used intermittent leave.

Recertification of leave may be required if the employee requests an extension of the original length approved by the City or if the circumstances regarding the leave have changed. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

### **SECOND AND THIRD MEDICAL OPINIONS**

 *This section is optional. A City may, but is not required to, use one of these optional policy statements:*

*Optional short version: The City may request a second, and in certain circumstances, a third medical opinion.*

*Optional long version: The City may require an employee obtain a second opinion from a provider which the City selects. If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. This third opinion will be considered final. An employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.*

## **ANNUAL MEDICAL CERTIFICATION AND RECERTIFICATION**

Where the employee's need for leave due to the employee's own serious health condition lasts beyond a single leave year, the City will require employees to provide a new medical certification in each subsequent leave year.



*Optional: Such new medical certifications are subject to the provisions for authentication and clarification and second and third opinions.*

## **REINSTATEMENT**

Employees returning from Family and Medical Leave will be reinstated in the same position or a position equivalent in pay, benefits, and other terms and conditions of employment.



*Optional: An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.*

## **GROUP HEALTH INSURANCE AND OTHER BENEFITS, CONCURRENT LEAVE AND SUBSTITUTION OF PAID LEAVE**

An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had the employee been continuously employed during the leave period. The employee will be required to continue payment of the employee portion of group insurance coverage while on leave. Arrangements for payment of the employee's portion of premiums must be made by the employee with the City.



*Each City may have a different method of collecting the employee's share of the insurance premium. This should be addressed with employees.*

If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

Rights to additional continued benefits will depend on whether leave is paid or unpaid.

Any paid disability leave benefits (Short Term Disability or Long-Term Disability), sick leave, Paid Time Off (PTO) or compensatory time off available to employees for a covered reason (an employee's serious health condition or a covered family member's serious health condition, including worker's compensation leave and Minnesota State Parenting Leave) will run concurrently with FMLA.



*A City's FMLA policy should be clear that Minnesota Parenting Leave and all forms of paid time off (sick leave, disability leave, workers' comp leave, vacation, PTO and compensatory time off) run concurrently with FMLA. By way of example, a Minnesota Parenting Leave policy -- which permits employees who have worked for the company for at least twelve (12) months and have worked at least 1,040 hours -- should clearly state that Minnesota Parental leave will run concurrently with any other applicable leave, such as FMLA, STD, paid parental leave, sick leave, or accrued vacation and that paid leave cannot be utilized to extend FMLA or parental leave beyond twelve weeks.*

## **FAILURE TO RETURN TO WORK AFTER FMLA**

Under certain circumstances, if the employee does not return to work at the end of the FMLA leave for at least 30 calendar days, the City may require the employee to repay the portion of the monthly cost paid by the City for group health plan benefits. The City may also require the employee to repay any amounts the City paid on the employee's behalf to maintain benefits other than group health plan benefits.



*This section is optional. A City may, but is not required to, use this optional policy provision:*

*If an employee does not return to work following 12 weeks of FMLA leave, the employee may be subject to COBRA continuation.*

*If the employee fails to pay the City a portion of the premiums for which he or she is responsible during the FMLA leave and the employee fails to return to work, coverage may end. Loss of coverage for failure to pay premiums is not a qualifying event for purposes of continuation coverage under COBRA.*

*If the employee does not return from the FMLA leave and coverage ended sometime during the FMLA leave due to lack of payment, there is no COBRA election available. For COBRA to apply, the employee must have been covered on the day before the qualifying event. In this situation, the qualifying event would occur at the time the employee did not return from the leave.*



**ACTIVITIES PROHIBITED DURING FMLA - This section is optional. A City may, but is not required to, use this optional policy provision.**

*While on leave, an employee may not engage in activities (including employment) which have the same or similar requirements and essential functions of an employee's current position.*

*While on leave, an employee may not engage in any activity that conflicts with the best interests of the City. Such conduct will result in disciplinary action up to and including termination of employment.*



**SENIORITY - A City may, but is not required to, use this optional policy provision.**

*Unless required by a contract provision, seniority does not accrue during any period of unpaid FMLA except as allowed when the leave is covered by worker's compensation. However, seniority accrued prior to commencement of FMLA leave will not be lost.*

*Note: Make sure you check your union contracts or other policies on this issue. If seniority accrues while an employee is taking vacation, then you can't deny it to an employee who uses vacation during FMLA leave*



**UNPAID MEDICAL LEAVE OF ABSENCE - This section is optional. A City may, but is not required to, use this optional policy provision.**

*If an employee is ineligible for FMLA leave or has exhausted available FMLA leave benefits, it is the policy of the City to consider an employee's request for a medical or personal leave of absence. The amount of medical leave available to each employee will be determined on a case-by-case basis depending on the position held, staffing requirements, the reasons for the leave, and the anticipated return-to-work date. Employees who take unpaid medical leave are not guaranteed to return to the same position held prior to taking leave.*

*Employees seeking a medical leave of absence will be required to present medical documentation to support the need for the leave, on-going documentation to support the need for continued leave, and documentation to support a return to work.*

*During Unpaid Medical Leave, employees will be expected to keep in regular contact with human resources. When you anticipate your return to work, please notify human resources of your expected return date at least one week before the end of your leave.*

*Employees on an Unpaid Medical Leave of Absence may be subject to COBRA notice and continuation benefits and will be solely responsible for payment of the entire COBRA.*

*Failure to keep in touch with management during your leave, failure to advise management of your availability to return to work, or failure to return to work following leave will be considered a voluntary resignation of your employment.*



**OTHER LEAVES AND POLICIES - This section is optional. A City may, but is not required to, create a section that cross references the City's policies on the Minnesota Parenting Leave Act and other applicable statutes, City ordinances or City policies.**

## **FMLA – QUALIFIED EXIGENCY AND MILITARY CAREGIVER LEAVE**

### **Qualified Exigency**

Eligible employees (described above) whose spouse, son, daughter, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service.

The qualifying exigency must be one of the following: (1) short-notice deployment; (2) military events and activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; or (9) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

### **Military Caregiver Leave**

An employee eligible for FMLA leave (described above) who is the spouse, son, daughter, parent, or next of kin of a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.

The family member must be a current member of the Armed Forces (including a member of the National Guard or Reserves), who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or otherwise is on outpatient status or on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, or members on the permanent disability retired list.

## **DEFINITIONS**

- A “**son or daughter of a covered servicemember**” means the covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- A “**parent of a covered servicemember**” means a covered servicemember’s biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”
- The “**next of kin of a covered servicemember**” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no

such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

- **“Covered active duty”** means:
  - “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
  - “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of Title 10 of the United States Code.
- **“Covered servicemember”** means:
  - An Armed Forces member (including the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy or otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness”; or
  - A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- **“Serious injury or illness”** means:
  - In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
  - In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

#### **AMOUNT OF LEAVE – QUALIFIED EXIGENCY**

An eligible employee can take up to 12 weeks of leave for a qualified exigency.

#### **AMOUNT OF LEAVE – MILITARY CAREGIVER**

An eligible employee taking military caregiver leave is entitled to 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date.

Leave taken for any FMLA reason counts towards the 26-week entitlement. If an employee does not take all 26 workweeks of leave to care for a covered servicemember during this “single 12-month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered servicemember is forfeited. 29 C.F.R. § 825.127(e)(1) (2017).

#### **CERTIFICATION OF QUALIFYING EXISGENCY FOR MILITARY FAMILY LEAVE**

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the

delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

### **CERTIFICATION FOR SERIOUS INJURY OR ILLNESS OF COVERED SERVICEMEMBER FOR MILITARY FAMILY LEAVE**

The City will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

All other provisions of the FMLA policy, including Use of Paid Leave, Employee Status and Benefits During Leave, Procedure for Requesting Leave, and Benefits During Leave and Reinstatement, are outlined above in the FMLA policy.

### **Reasonable Unpaid Work Time for Nursing Mothers**

Nursing mothers will be provided reasonable unpaid break time for nursing mothers to express milk for nursing her child for one year after the child's birth. The City will provide a room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

### **Light Duty/Modified Duty Assignment**

This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the City Administrator on a case-by-case basis. This policy does not guarantee assignment to light duty.

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the City Administrator. The City Administrator reserves the right to determine when and if light duty work will be assigned.

When an employee is unable to perform the essential requirements of his/her job due to a temporary disability, he/she will notify the Department Head in writing as to the nature and extent of the disability and the reason why he/she is unable to perform the essential functions, duties, and requirements of the position. This notice must be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the City's job description along with a written request for light duty. Upon receipt of the written request, the Department Head is to forward a copy of the report to the City Administrator. The City may require a medical exam conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the City Administrator whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis.

If the City offers a light duty assignment to an employee who is out on workers' compensation leave, the employee may be subject to penalties if he/she refuses such work. The City will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment.

The circumstances of each disabled employee performing light duty work will be reviewed regularly. Any light duty/modified work assignment may be discontinued at any time.

## **Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy**

The City will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth:

- 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 on the City, the City will engage in an interactive process with respect to an employee's request for a reasonable accommodation.

## **SEXUAL HARASSMENT PREVENTION**

### **General**

The City of Paynesville is committed to creating and maintaining a public service work place free of harassment and discrimination. Such harassment 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 unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment.

This policy statement is intended to make all employees, volunteers, members of boards and elected officials sensitive to the matter of sexual harassment, to express the City's strong disapproval of unlawful sexual harassment, to advise employees against this behavior and to inform them of their rights and obligations. The most effective way to address any sexual harassment issue is to bring it to the attention of management.

### **Definitions**

To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on Minnesota Statute § 363.01, subdivision 41, is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
- Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of inappropriate behaviors that are unacceptable and therefore prohibited, even if not unlawful in and of themselves include: unwanted physical contact; unwelcome sexual jokes or comments;

sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behavior. In summary, sexual harassment is the unwanted, unwelcome or repeated action of an individual against another individual, using sexual overtones.

## **Expectations**

The City of Paynesville recognizes the need to educate its employees volunteers, members of boards and elected officials on the subject of sexual harassment and stands committed to providing information and training. All employees are expected to treat each other and the general public with respect, and assist in fostering an environment free from offensive behavior or harassment. Violations of this policy may result in discipline, including possible termination. Each situation will be evaluated on a case-by-case basis.

Employees who feel that they have been victims of sexual harassment, or employees who are aware of such harassment, should immediately report their concerns to any of the following:

1. Department Head;
2. City Administrator;
3. Mayor or City councilmember.

In addition to notifying one of the above persons and stating the nature of the harassment, the employee is also encouraged to take the following steps, if the person feels safe and comfortable doing so. If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible, a Department Head.

1. Communicate to the harasser the conduct is unwelcome. Professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions, and request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.
2. In some situations, such as with an offender from the public, it is preferable to avoid one on one interactions. Talk to your Department Head about available options to ensure there are others available to help with transactions with an offender.
3. To reiterate, it's important you notify a Department Head, the City Administrator, the mayor or councilmember of your concerns. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter. If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the City Administrator, the mayor or the City attorney.

The City urges conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. Management takes these complaints seriously and has the obligation to provide an environment free of sexual harassment. The City is obligated to prevent and correct unlawful harassment in a manner which does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required.

In the case of a sexual harassment complaint, a Department Head must report the allegations promptly to the City Administrator. If the City Administrator is the subject of the complaint, then the Department Head is to report the complaint to the City Attorney. A Department Head must act upon such a report even if requested otherwise by the victim. The City will take action to correct any and all reported harassment to the extent evidence is available to verify the alleged harassment and any related

retaliation. All allegations will be investigated. Strict confidentiality is not possible in all cases of sexual harassment as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible.

The City is not voluntarily engaging in a dispute resolution process within the meaning of Minn. Stat. § 363A.28, subd. 3(b) by adopting and enforcing this workplace policy. The filing of a complaint under this policy and any subsequent investigation does not suspend the one-year statute of limitations period under the Minnesota Human Rights Act for bringing a civil action or for filing a charge with the Commissioner of the Department of Human Rights.

## **Special Reporting Requirements**

When the Department Head is the alleged harasser, a report will be made to the City Administrator who will assume the responsibility for investigation and discipline.

If the City Administrator is the alleged harasser, a report will be made to the City Attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a councilmember is the alleged harasser, the report will be made to the City Administrator and referred to the City Attorney who will undertake the necessary investigation. The City Attorney will report his/her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the City Administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

If an elected or appointed City official (e.g., council member or commission member) is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

## **Retaliation**

The City of Paynesville will not tolerate retaliation or intimidation directed towards anyone who makes a complaint of employment discrimination, who serves as a witness or participates in an investigation, or who is exercising his/her rights, including when requesting religious or disability accommodation. Retaliation is broader than discrimination and includes, but is not limited to, any form of intimidation, reprisal or harassment. While each situation is very fact dependent, generally speaking retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of EEO laws.

It can also include threats of reassignment, removal of Department Head responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media and making false report to government authorities because an employee has engaged or may engage in protected activities. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

If you feel retaliation is occurring within the workplace, please report your concern immediately to any of the following:

1. Immediate Department Head;
2. City Administrator;
3. Mayor or City Councilmember

4. In the event an employee feels retaliation has occurred by the City Administrator or the City Council, then reporting may be made to the City Attorney.

Department Heads who have been approached by employees with claims of retaliation will take the complaint seriously and promptly report the allegations promptly to the City Administrator, or if the complaint is against the City Administrator to the City Attorney, who will decide how to proceed in addressing the complaint.

## **RESPECTFUL WORKPLACE POLICY (includes sexual harassment prevention)**

The intent of this policy is to provide general guidelines about conduct that is and is not appropriate in the workplace and other City-sponsored social events.

The City acknowledges this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

### **Applicability**

Maintaining a respectful public service work environment is a shared responsibility. This policy is applicable to all City employees, volunteers, firefighters, members of boards and City Council members.

### **Abusive Customer Behavior**

While the City has a strong commitment to customer service, the City does not expect employees to accept verbal and other abuse from any customer.

An employee may request that a Department Head intervene when a customer is abusive, or the employee may defuse the situation themselves, including professionally ending the contact.

If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible, a Department Head. Employees should leave the area immediately when violence is imminent unless their duties require them to remain (such as police officers). Employees must notify their Department Head about the incident as soon as possible.

### **Types of Disrespectful Behavior**

The following behaviors are unacceptable and therefore prohibited, even if not unlawful in and of themselves:

#### **A Violent behavior:**

Includes the use of physical force, harassment, bullying or intimidation.

#### **B. Discriminatory behavior:**

Includes inappropriate remarks about 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.

#### **C. Offensive behavior:**

May include 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 Department Head what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.

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 Department Head or the City Administrator.

#### **D. Sexual harassment:**

Can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
- Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

#### **E. Sexual harassment includes, but is not limited to, the following:**

- **Unwelcome or unwanted sexual advances.** This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- **Verbal or written abuse, kidding, or comments that are sexually-oriented and considered unacceptable by another individual.** This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others. The harassment policy applies to social media posts, tweets, etc., that are about or may be seen by employees, customers, etc.
- **Requests or demands for sexual favors.** This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

#### **F. Names and Pronouns**

Every employee will be addressed by a name and by pronouns that correspond to the employee's gender identity. A court-ordered name or gender change is not required.

### **Employee Response to Disrespectful Workplace Behavior**

All employees should feel comfortable calling their Department Head or another manager to request assistance should they not feel comfortable with a situation. If situations involve violent behavior call the police or ask the individual to leave the area.

If employees see or overhear a violation of this policy, employees should advise a Department Head, the City Administrator, or City Attorney promptly.

Employees who believe disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible, a Department Head.

**Step 1(a).** If you feel comfortable doing so, professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

**Step 1(b).** If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your Department Head or City Administrator. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter.

In some situations, with an offender from the public it is preferable to avoid one on one interactions. Talk to your Department Head about available options to ensure there are others available to help with transactions with the offender.

**Step 1(c).** The City urges conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. It is vitally important you notify a Department Head, the City Administrator, the mayor or councilmember of promptly of your concerns. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it promptly to a Department Head or the City Administrator.

**Step 2.** If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the City Administrator or the mayor.

## **Department Head's Response to Allegations of Disrespectful Workplace Behavior**

Employees who have a complaint of disrespectful workplace behavior will be taken seriously. In the case of sexual harassment or discriminatory behavior, a Department Head must report the allegations promptly to the City Administrator, who will determine whether an investigation is warranted. A Department Head must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, Department Heads will use the following guidelines when an allegation is reported:

**Step 1(a).** If the nature of the allegations and the wishes of the victim warrant a simple intervention, the Department Head may choose to handle the matter informally. The Department Head may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

**Step 1(b).** Department Heads, when talking with the reporting employee will be encouraged to ask him or her what he or she wants to see happen next. When an employee comes forward with a disrespectful workplace complaint, it is important to note the City cannot promise complete confidentiality, due to the need to investigate the issue properly. However, any investigation process will be handled as confidentially as practical and related information will only be shared on a need to know basis and in accordance with the Minnesota Data Practices Act.

**Step 2.** If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of his/her own choosing present during the interview. Typically, the investigator will obtain the following description of the incident, including date, time and place:

- Corroborating evidence.
- A list of witnesses.
- Identification of the offender.

**Step 3.** The Department Head must notify the City Administrator about the allegations (assuming the allegations do not involve the City Administrator).

**Step 4.** In most cases, as soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations, and the alleged violator will have the opportunity to answer questions and respond to the allegations. The City will follow any other applicable policies or laws in the investigatory process.

**Step 5.** After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken.

**Step 6.** The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable and to the extent permitted by the Minnesota Government Data Practices Act.

## **Special Reporting Requirements**

When the Department Head is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Administrator who will determine how to proceed in addressing the complaint as well as appropriate discipline.

If the City Administrator is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City attorney who will confer with the mayor and City Council regarding appropriate investigation and action.

If a councilmember is perceived to be the cause of a disrespectful workplace behavior incident involving City personnel, the report will be made to the City Administrator and referred to the City attorney who will undertake the necessary investigation. The City attorney will report his/her findings to the City Council, which will take the action it deems appropriate.

Pending completion of the investigation, the City Administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

If an elected or appointed City official (e.g., council member or commission member) is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

## **Confidentiality**

A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files.

If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

## **Retaliation**

Consistent with the terms of applicable statutes and City personnel policies, the City may discipline any individual who retaliates against any person who reports alleged violations of this policy. The City may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

## **POSSESSION AND USE OF DANGEROUS WEAPONS**

Possession or use of a dangerous weapon (see attached definitions) is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City business. This includes employees with valid permits to carry firearms.

The following exceptions to the dangerous weapons prohibition are as follows:

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

## **SEPARATION FROM SERVICE**

### **Resignations**

Employees wishing to leave the City service in good standing must provide a written resignation notice to their Department Head, at least ten (10) working days before leaving. Exempt employees must give thirty (30) calendar days' notice. The written resignation must state the effective date of the employee's resignation.

Unauthorized absences from work for a period of three consecutive work days may be considered as resignation without proper notice.

Failure to comply with this procedure may be cause for denying the employee's severance pay and any future employment with the City.

### **SEVERANCE PAY/RETIREMENT**

Full time regular employees with dates of employment prior to August 1, 2007 will be eligible for the following retiree insurance program:

1. In order to be eligible, the full-time regular employee must have at least fifteen (15) years of service at the time of retirement and must be legally qualified to draw a pension under PERA. In order to be eligible, the employee must also sign a retirement agreement with the City and provide at least two (2) months advance notice of retirement.

2. An eligible individual will receive one (1) year of single health insurance coverage for every ten (10) years of service with the City. The benefit is based on full ten (10) year increments and is not prorated (for example: an individual with seventeen (17) years of service would qualify for one year of single health insurance).
3. The benefit will cease upon the earliest occurrence of any of the following events:
  - a. The employee reaches age 65
  - b. The benefit is exhausted
  - c. The employee dies

The City will pay up to 100% of the City's contribution up to \$800.00 per month at the time of retirement toward the employee's single premium. The City will not pay for any dependent coverage. The City will make this payment, in its discretion, either directly to the insurer through a voucher upon receipt of a statement or to the employee upon receiving an itemized receipt.

Employees with dates of employment on or after August 1, 2007 are not eligible for a retiree insurance benefit.

## **DISCIPLINE**

### **General Policy**

Department Heads are responsible for maintaining compliance with City standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City of Paynesville. City employees will be subject to disciplinary action 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. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the City's personnel policies. The Department Head and/or the City Administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

### **No Contract Language Established**

This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline.

### **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 these personnel policies implies that any City employee has a contractual right or guarantee (also known as a property right) to the job he/she performs.

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:

**A. Oral Reprimand**

This measure will be used where informal discussions with the employee's Department Head have not resolved the matter. All Department Heads 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 Department Head will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

**B. 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 skipping either the oral or written reprimand, or both. Written reprimands are issued by the Department Head with prior approval from the City Administrator.

A written reprimand will: (1) state what did happen; (2) state what should have happened; (3) identify the policy, directive or performance expectation that was not followed; (4) provide history, if any, on the issue; (5) state goals, including timetables, and expectations for the future; and (6) indicate 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 will be placed in the employee's personnel file.

**C. Suspension With or Without Pay**

The City Administrator may suspend an employee without pay for disciplinary reasons. 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 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.

An employee may be suspended or placed on involuntary leave of absence pending an investigation of an allegation involving that employee. The leave may be with or without pay depending on a number of factors including the nature of the allegations. If the allegation is 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.

**D. Demotion and/or Transfer**

An employee may be demoted or transferred if attempts at resolving an issue have failed and the City Administrator determines a demotion or transfer to be the best solution to the problem.

The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

**E. Salary**

An employee's salary increase may be withheld or the salary may be decreased due to performance deficiencies.

## **F. Dismissal**

The City Administrator, with the approval of the City Council, may dismiss an employee for 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 his/her initial probationary period, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

## **NON-UNION GRIEVANCE PROCEDURE**

Any dispute between an employee and the City relative to the application, meaning or interpretation of these personnel policies will be settled in the following manner:

**Step 1:** The employee must present the grievance in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested, to the proper Department Head within twenty-one (21) days after the alleged violation or dispute has occurred. The Department Head will respond to the employee in writing within seven (7) calendar days.

**Step 2:** If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the City Administrator within seven (7) days after the Department Head's response is due. The City Administrator or his/her designee will respond to the employee in writing within seven (7) calendar 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.

## **Waiver**

If a grievance is not presented within the time limits set forth above, 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 last answer. 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.

The following actions are not grievable:

- While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not.
- Pay increases or lack thereof; and
- Merit pay awards.

The above list is not meant to be all inclusive or exhaustive.

## **UNION GRIEVANCE PROCEDURE**

A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this Agreement.

## **Union Representatives**

The City shall recognize representatives from outside the City designated by the Union as the grievance representatives of the bargaining unit having the duties and responsibilities established by this article. The Union shall notify the City in writing of the names of such Union representatives and of their successors.

## **Processing of a Grievance**

It is recognized and accepted by the Union and the City that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the employees and shall therefore be accomplished during normal working hours only when consistent with such employee duties and responsibilities. One aggrieved employee and one employee Union representative shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the City during normal working hours provided that the employee and the Union representative have notified and received the approval of the designated Department Head.

## **Procedure**

Grievances, as defined by section 6.1, shall be resolved in the following manner:

**Step 1.** An employee claiming a violation concerning the interpretation or application of this Agreement shall, within fifteen (15) working days after the occurrence of the event(s) constituting such alleged violation, file such grievance to the City Administrator or designee. The City Administrator or designee will discuss and give an answer to such Step 1 grievance within ten (10) working days after receipt. A grievance not resolved in Step 1 and appealed to Step 2 shall be placed in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the Agreement allegedly violated, the remedy requested, and shall be appealed to Step 2 within ten (10) working days after the City Administrator or designee's answer in Step 1. Any grievance not appealed in writing to Step 2 by the Union within ten (10) working days shall be considered waived.

**Step 2.** If appealed, the written grievance shall be presented by the Union and discussed with the Policies and Procedures Committee or designee. The Policies and Procedures Committee or designee shall give the Union the City's Step 2 answer in writing within ten (10) working days after receipt of such Step 2 grievance. A grievance not resolved in Step 2 may be appealed to Step 3 within ten (10) working days following the City Administrator or designee's Step 2 answer. Any grievance not appealed in writing to Step 3 by the Union within ten (10) working days shall be considered waived.

**Step 3.** If the grievance is not resolved in Step 2, upon mutual agreement by the parties, the Union may file within ten (10) working days, a request for mediation with the State Bureau of Mediation Services.

**Step 4.** A grievance unresolved in previous steps and appealed to Step 4 by the Union may be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act within ten (10) working days. The selection of an arbitrator shall be made in accordance with the Rules and Regulations as established by the Bureau of Mediation Services. The Union will contact the City Administrator or designee within seven (7) calendar days in an effort to select an arbitrator to hear the grievance. Any failure to contact the City Administrator or designee within seven (7) calendar days will constitute a waiver of the grievance.

## **Right to Appeal Disciplinary Action**

Employees who are disciplined shall have the right to appeal such disciplinary actions through the grievance procedure as established by Article 6 (Grievance Procedure). Probationary employees will not be permitted to utilize Article 6 (Grievance Procedure) to contest an oral or written reprimand.

## **Written Notice**

Notices of suspension, demotion and discharges will be in written form and will state the reason(s) for the action taken.

## **Union Notification**

The CITY will notify the union of any and all disciplinary actions taken in writing, unless requested by the employee to not notify.

## **Oral Reprimands**

Oral reprimands are not subject to arbitration.

## **Arbitrator's Authority**

- A. The arbitrator shall have no right to amend, modify, nullify, ignore, add to or subtract from the terms and conditions of this Agreement. The arbitrator shall consider and decide only the specific issue/s submitted in writing by the City and the union and shall have no authority to make a decision on any other issues not so submitted.
- B. The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules or regulations having the force and effect of law. The arbitrator's decision shall be submitted in writing within 20 calendar days following close of the hearing submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on the City and the employee, and the arbitrator's interpretation or application of the express terms of this Agreement and the facts of the grievance presented.
- C. The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the City and the union, provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings, the cost shall be borne equally.

## **Waiver**

- A. If a grievance is not presented within the time limits set forth above, it shall be considered "waived." If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the City's last answer.
- B. If the City does not answer a grievance or an appeal thereof within the specified time limits, the Union 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 Union.

## **EMPLOYEE EDUCATION & TRAINING**

The City promotes staff development as an essential, ongoing function needed to maintain and improve cost effective quality service to residents. The purposes for staff development are 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.

### **Policy**

The City will pay for the costs of an employee's participation in training and attendance at professional conferences, provided that attendance is approved in advance under the following criteria and procedures:

### **Job-Related Training & Conferences**

The subject matter of the training session or conference is 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.

Continuing education or similar 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 Department Head and the City Administrator are responsible for determining job-relatedness and taking training and conference attendance to the City Council for final approval. If the total cost of the training or seminar is less than \$500.00 and there are time constraints; the Department Head or City Administrator can approve the training with a report to the City Council during the Department Head update after the training has been completed.

### **Job-Related Meetings**

Attendance at professional meetings directly related to the performance of the employee's work responsibilities do not require the approval of the City Administrator. Advance Department Head and City Council approval is required to ensure adequate department coverage.

### **Out Of State Travel**

The purpose of this policy is to establish guidelines for the reimbursement of expenses on official City business related to out-of-state travel for elected and appointed officials. *Policy is fully outlined... (put in section)*

### **Compensation for Travel & Training Time**

Time spent traveling to and from, as well as time spent attending a training session or conference, will be compensated in accordance with the federal Fair Labor Standards Act.

Travel and other related training expenses will be reimbursed subject to the employee providing necessary receipts and appropriate documentation.

## **Memberships and Dues**

The purpose of memberships to various professional organizations must be directly related to the betterment of the services of the City. Normally, one (1) City membership per agency, as determined by the City Administrator is allowed, providing funds are available.

Upon separation of employment, individual memberships remain with the City and are transferred to another employee by the Department Head.

## **Travel & Meal Allowance**

### **Employee Training Reimbursements**

If employees are required to travel outside of the area in performance of their duties as a City employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. In no case will City funds be used to pay for, or reimburse, for events sponsored by or affiliated with political parties. The City will not reimburse employees for meals connected with training or meetings within City limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting. The City will also not reimburse employees for the costs for travel of family members. *Policy is fully outlined... (put in section)*

## **OUTSIDE EMPLOYMENT**

The potential for conflicts of interest is lessened when individuals employed full time by the City of Paynesville regard the City as their primary employment responsibility.

For the purpose of this policy, outside employment refers to any non-City employment or consulting work for which an employee receives compensation, except for compensation received in conjunction with military service or holding a political office or an appointment to a government board or commission that is compatible with City employment.

Outside employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a part-time employee's regular work schedule.

Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.

The employee must not use City equipment, resources or staff in the course of the outside employment.

The employee must not violate any City personnel policies as a result of outside employment.

The employee must not receive compensation from another individual or City for services performed during hours for which he/she is also being compensated by the City. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.

No employee will work for another City, or for his/her own business, while using paid sick leave from the City for those same hours.

Departments may establish more specific policies as appropriate, subject to the approval of the City Administrator and City Council.

City employees are not encouraged to accept outside employment that creates 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.

## **DRUG FREE WORKPLACE**

In accordance with federal law, the City of Paynesville has adopted the following policy on drugs in the workplace:

- A. Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the City's intent and obligation to provide a drug-free, safe and secure work environment.
- B. The unlawful manufacture, distribution, possession, or use of a controlled substance on City property or while conducting City business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- C. The City recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.
- D. Employees must, as a condition of employment, abide by the terms of this policy and 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 five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.

## **CITY DRIVING POLICY**

This policy applies to all employees who drive a vehicle on City business whether driving a City-owned vehicle or their own personal vehicle. It also applies to employees who drive less frequently but whose ability to drive is essential to their job due to the emergency nature of the job. The City expects all employees who are required to drive as part of their job to drive safely and legally while on City business and to maintain a good driving record.

Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate Department Head on the first work day after any temporary, pending or permanent action is taken on their license and to keep their Department Head informed of any changes thereafter. The City will determine appropriate action on a case-by-case basis.

## **General Policy**

Cellular telephones are intended for the use of City employees in the conduct of their work for the City. Department Heads are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit Department Head discretion to allow reasonable and prudent personal use of such telephones or equipment provided that:

- Its use in no way limits the conduct of work of the employee or other employees.
- No personal profit is gained, or outside employment is served.

- All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times. Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances and in accordance with Minnesota law, employees are required to use hands-free operations or pull off into a parking lot and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area. Hands-free equipment will be provided with City-issued phones to facilitate the provisions of this policy.
- Reading/sending text messages, making or receiving phone calls, emailing, video calling, scrolling/typing, accessing a webpage, or using non-navigation applications while driving is strictly prohibited.
- In accordance with State law, there is an exception to hands free cell phone operations to obtain emergency assistance to report a traffic accident, medical emergency or serious traffic hazard or prevent a crime from being committed. There is also a State law exception for authorized emergency vehicles while in the performance of official duties.
- Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. See above “City Driving Policy” for more information on reporting driver’s license restrictions”

Cities will also want to be mindful of an existing 2012 Federal Motor Carrier Hands Free law that restricts the use of all hand-held mobile devices for drivers of commercial motor vehicles:

<https://www.fmcsa.dot.gov/driver-safety/distracted-driving/mobile-phone-restrictions-fact-sheet>

## **CELLULAR TELEPHONE**

### **Purpose**

This policy is intended to define acceptable and unacceptable uses of cellular telephones. Its application is to ensure that cellular phone usage is consistent with the best interests of the City without unnecessary restriction of employees in the conduct of their duties. This policy will be implemented to prevent the improper use or abuse of cellular phones and to insure that City employees exercise the highest standards of propriety in their use.

### **Policy**

City cellular telephones are intended for the use of City employees in the conduct of their work in the service of Paynesville citizens. Department Heads are responsible for the cellular telephones assigned to their departments and will exercise discretion in their use. Nothing in this policy will limit Department Head discretion to allow reasonable and prudent use of such telephones or equipment provided that:

1. Its use in no way limits the conduct of work of the employee or other employees.
2. No personal profit is gained or outside employment is served.

A Department Head may authorize an employee to use their own personal phone for City business and be reimbursed by the City for those calls. An employee will not be reimbursed for business-related calls without prior authorization from his or her Department Head. Department Heads may also prohibit employees from carrying their own personal cell phones during work hours if it interferes with the performance of their job duties. Employees in possession of a City cell phone are required to care for the

telephone in a responsible manner, and to take appropriate precautions to prevent, theft, damage, and vandalism. If damage is incurred during personal use, the expense for the replacement or repair will be the responsibility of the employee. When an employee terminates employment, the Department Head is responsible for making sure the employee returns the phone in good working condition

Any costs incurred by the City due to the personal calls or use made by employees on a City provided cellular phone must be paid for by the employee through reimbursement to the City Administrator based on actual cost listed on the City's phone bill. Personal calls may be made or received while on lunch, during break time or after hours. Emergency phone calls and minimal personal use is permitted. "Minimal use" is defined as those infrequent personal calls made or received only when absolutely necessary, completed as quickly as possible and do not interfere with work operations.

While this policy specifically addresses the use of City issued cell phones, it is equally as important to address the use of personal cell phones while on the job.

## **Privacy**

Personal cell phone statements are considered private data. If an employee submits a bill to substantiate businesses use, all or part of the employee's cell phone bill may become public data. Billings associated with the City-purchased cell phone service are considered public data. Cellular transmissions are not secure. Employees should use discretion in relaying confidential information.

When using a cell phone in a vehicle, the following guidelines will be followed: Dial whenever possible when the vehicle is stopped; if necessary, pull over to the side of the road (legally stopped) to dial or answer the phone. Texting while driving is prohibited.

The City reserves the right to monitor the use of all City owned cell phones.

## **Personal Cell Phones**

Employees should only use personal cell phones while on lunch and during their break times. Personal cell phones should be set to vibrate mode, so as to not disrupt the working environment. Employees should not be using personal cell phones during normal work hours to place or receive personal calls, for text messaging or to play games. While the City of Paynesville understands that there are family situations, such as illness, that requires immediate contact between the Employee and their family, such situations would need to be discussed with the City Administrator and dealt with on an individual basis.

## **Unacceptable Use**

At no time, during work hours or non-work hours, shall an employee use any of the City of Paynesville's communications system for any of the following purposes:

1. To access, transmit, upload, download, receive or distribute pornographic, obscene, abusive, or sexually explicit materials or materials containing unclothed or partially clothed people.
2. To transmit or receive obscene, abusive or sexually explicit language or profanity.
3. To violate any local, state or federal law or engage in any type of illegal activities.
4. To vandalize, damage or disable the property of another person or organization.
5. To access the materials, information, files or e-mail of another person or organization without permission or without a legitimate business reason.
6. To violate any applicable state, federal, or international copyright, trademark, or intellectual property laws or regulations, or otherwise use another person or organization's property without

prior approval or proper attribution consistent with copyright laws, including unauthorized downloading or exchanging of pirated or otherwise unlawful software, or copying software to or from any of the City of Paynesville's computer.

7. To engage in any form of gambling, wagering, betting, or selling.
8. To engage in any type of harassment or discrimination, including but not limited to; sexual harassment, harassment, or discrimination based upon race, gender, sexual orientation, religion, national origin, marital status, status with respect to public assistance, disability or any other type of harassment or discrimination prohibited by law and by the City of Paynesville policy.
9. To engage in any type of commercial enterprise unrelated to the specific purposes and needs of the City of Paynesville.
10. To engage in any form of solicitation for private purpose that is not related to the business purpose of the City of Paynesville.
11. To promote any political or private causes or other activities that are not related to the business purpose of the City of Paynesville.
12. To enter into financial or contractual obligations without the prior express consent of the City Administrator.
13. To advocate or access information advocating any type of unlawful violence, vandalism or illegal activity.

## **Enforcement**

Any employee who abuses the provisions of this policy will be subject to discipline, including discharge, for abuse of this policy and/or for any other related applicable policies, rules or state and federal laws. In addition, violations of the policy or misuse of the communication systems, which are of a criminal nature, may be referred for criminal prosecution.

## **Procedures**

It is the objective of the City of Paynesville to prevent and correct any abuse or misuse of cellular telephones through the application of this policy. Employees who abuse or misuse such telephones may be subject to disciplinary action under the personnel policy or a collective bargaining agreement.

## **Responsibility**

All employees issued a City cell phone for City use are responsible for answering it while on duty or on call and be able to perform all phone applications necessary for their position, including, but not limited to text, email, voicemail and contacts.

The City Administrator, or designee, will have primary responsibility for implementation and coordination of this policy. All Department Heads will be responsible for enforcement within their departments.

Regardless of who pays the bill, cell phone records about City business are subject to the Minnesota Government Data Practices Act. What this means is that if a request were received, the City would be under the obligation to determine what information is public data and what information is private data and would need access to the employee's phone records and possibly the phone itself in order to provide the data that is being requested. Therefore, the best practice is to limit usage of personal cell phones for City business to that which is truly necessary or be prepared to produce your cell phone and the associated records if needed.

## **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, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of each Department Head.

Where safety equipment is required by federal, state, or local rules and regulations, it shall be a condition of employment that such equipment be worn by the employee. The City will provide basic safety eyewear protection (limited to lens and frames) and will replace items due to normal wear and tear for all employees. Personal upgrading, eye examinations, lost or destroyed items because of carelessness, will be the responsibility of the employee. Safety boots and shoe wear will be provided to all employees who work in the maintenance department (full-time and part-time). Boots will be replaced no more than once a year for full-time employees and no more than once every two (2) years for part-time employees. The Public Works Director must approve all purchases. If the Public Works Director does not feel that a replacement is necessary at the time, he has the authority to decline the purchase. This decision will be based on the condition of the previous pair of safety boots. Safety coveralls will be provided to full-time employees only. Department Heads will monitor the care of items. Employees will turn in all equipment except eyewear and footwear upon termination.

### **Reporting Accidents and Illnesses**

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 Department Head. The employee's immediate Department Head 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.

### **Safety Equipment/Gear**

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.

### **Unsafe Behavior**

Department Heads are authorized to send an employee home immediately 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.

## **AUTHORITY**

This policy shall be in full force and effect from the date of the City Council's action approving this document. Changes can be made at the discretion of the Council following normal adoption procedures. The City Administrator is responsible for interpretation of these policies.

# City of Paynesville Personnel Policy

EMPLOYEE NAME \_\_\_\_\_

JOB TITLE \_\_\_\_\_

DATE \_\_\_\_\_

I certify by my signature below that I have received and reviewed the Personnel Policy. Any questions I had regarding any of the policies have been answered.

**I have reviewed the Personnel Policy and understand that this is a requirement and that I will follow the policies and procedures set forth within.**

\_\_\_\_\_  
EMPLOYEE SIGNATURE

DATE \_\_\_\_\_

\_\_\_\_\_  
DEPARTMENT HEAD

DATE \_\_\_\_\_

One signed copy to be retained in the employee's personnel file and one for the employee.