



PERSONNEL POLICIES

DRAFT

CITY OF FARIBAULT PERSONNEL POLICY

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Section 1 INTRODUCTION

Section 1.1 Purpose

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Faribault. These policies supersede all previous personnel policies. As an employee, you are responsible for complying with current City policy at all times.

Section 1.2 Disclaimer

NOTHING IN THESE PERSONNEL POLICIES OR ANY OTHER WRITTEN OR UNWRITTEN POLICIES OR THE LIKE, COURSE OF CONDUCT, OR PRACTICES OF THE CITY CREATES, OR IS INTENDED TO CREATE, AN EXPRESS OR IMPLIED CONTRACT, COVENANT, PROMISE OR REPRESENTATION BETWEEN THE CITY AND OUR EMPLOYEES.

THESE POLICIES ARE NOT INTENDED TO COVER EVERY SITUATION THAT MIGHT ARISE. THE CITY MAY CHANGE OR ELIMINATE POLICIES, OR PORTIONS THEREOF, CONTAINED IN THIS HANDBOOK AT ITS DISCRETION AT ANY TIME, AND WITHOUT NOTICE.

THESE POLICIES DO NOT VEST IN ANY EMPLOYEE A RIGHT, BENEFIT, OR PRIVILEGE WHICH CANNOT BE CHANGED OR ELIMINATED BY THE CITY COUNCIL, IN ITS EXCLUSIVE DISCRETION, AT ANY TIME WITHOUT NOTICE TO EMPLOYEES.

EMPLOYMENT WITH THE CITY IS AT-WILL, EXCEPT AS OTHERWISE PROVIDED BY LAW OR CONTRACT. THIS MEANS THAT EMPLOYMENT MAY BE TERMINATED WITH OR WITHOUT CAUSE AT ANY TIME AT THE OPTION OF EITHER THE EMPLOYEE OR THE CITY. NO SUPERVISOR OR OTHER REPRESENTATIVE OF THE CITY HAS AUTHORITY TO ENTER INTO ANY AGREEMENT TO THE CONTRARY UNLESS APPROVED BY THE CITY COUNCIL.

Section 1.3 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, commissions, and committees
4. Consultants and contractors
5. Volunteers, except as specifically noted for paid-per-call firefighters.

If any specific provisions of the personnel policies conflict with any current collective bargaining agreement, the collective bargaining agreement 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 Director 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 supervisor.

Section 1.4 Management Rights

The Employer retains full and unrestricted right to operate and manage all manpower, facilities, and equipment; to establish functions and programs, to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work schedules, shifts, and hours; to contract for goods or services; to make and enforce reasonable rules and regulations; to take any and all actions necessary to carry out the operations of the Employer in situations involving a disaster or emergency; to hire, promote, assign, and transfer Employees; to demote, suspend, discipline and discharge Employees; to lay off Employees; to assign duties, tasks, jobs, hours, shifts, and overtime to Employees; and to perform any other managerial right.

Any term and condition of employment shall remain solely within the discretion of the Employer to modify, establish, or eliminate.

The foregoing enumeration of the Employer's authority shall not be deemed to exclude other inherent management rights and functions.

The Employer's failure to exercise any right, prerogative, or function hereby reserved to it, or the Employer's exercise of any such right, prerogative, or function in a particular way, shall not be considered a waiver of the Employer's right to exercise such right, prerogative, or function or preclude it from exercising the same in some other way.

Section 1.5 Equal Employment Opportunity Policy Statement

The City of Faribault 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 Faribault 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 (including pregnancy, childbirth, and related medical conditions), or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, membership on a local human rights commission, lawful participation in the Minnesota Medical Cannabis Patient Registry, reserve or National Guard status, military service, citizenship, or any other basis protected by law, except where there is a bona fide occupational qualification. The City will not discriminate upon any protected class identified by the Human Rights Act, the US Civil Rights Act, or the Pregnancy Discrimination Act.

Section 1.6 Data Practices Advisory

Employee records are maintained in a location designated by the City Administrator. Personnel data is retained in personnel files, finance files, benefit/medical files, and other employment 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.

Section 2 DEFINITIONS

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

Benefits

Privileges granted to qualified employees in the form of paid leave, continuing education opportunities and/or insurance coverage.

Demotion

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

Direct Deposit

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

Regular Employee

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

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 as of the date these policies were approved. 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 and full-time firefighters). These amounts may change if required by law.

Fiscal Year

The period from January 1 to December 31.

Full-Time Employee

Employees who are required to work forty (40) or more hours per week year-round in an ongoing position.

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 are required to work 29 hours or less per week year-round in an ongoing position.

Pay Period

A fourteen (14) day period beginning at 12:00 a.m. (midnight) on Sunday up to 12:00 a.m. on Sunday, 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.

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.

Seasonal Employee

Employees who work only part of the year (67 days or less or 100 days for high school employees) 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.

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

A twelve-month period at the start of employment with the City (or at the beginning of a promotion, reassignment, or transfer) that is designated as a period within which to learn the job. The training period is an integral extension of the City's selection process and is used by supervisors for closely observing an employee's work. An employee serving his/her initial training/training/probationary period may be disciplined at the sole discretion of the City, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights.

Nothing in this policy handbook shall be construed to imply that after completion of the training/training/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 training/training/probationary period. If an emergency arises during an employee's training/training/probationary period which requires a leave of absence, such time off, if granted, will not be considered as time worked, and the training/training/probationary period will be extended by the length of time taken.

Training/training/probationary periods may be extended at any time by the City Administrator or Department Director. Should an employee's performance not meet expectations at the end of a training/training/probationary period, but it is felt that an extension of time and further training would be beneficial, that option will be discussed with the employee for consideration. Extensions of the training/training/probationary period may go up to thirty days past the initial period. An extension beyond thirty days must be approved by the City Administrator. A documented work plan to ensure completion of the extended training/training/probationary period and ramifications should the goals not be met must be completed and given to both the employee and a copy submitted to HR/Admin for inclusion in their personnel file.

Transfer

Movement of an employee from one City position to another position with an equivalent maximum pay.

Weapons

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

Workplan

A workplan is a break down of all the tasks, duties and responsibilities and assigns goals to new employees to complete within their first 30, 60, or 90 days, or possibly longer, of employment. Workplans are created working together with the employee and supervisor.

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 and fire department).

Section 3 CITYWIDE WORK RULES and CONDUCT

Section 3.1 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 City of Faribault. 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 supervisors.

The following are job requirements for every position at the City of Faribault. 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 supervisor.
- Maintain good attendance while meeting the goals set by an employee's supervisor.

Section 3.2 Attendance and Absence

The operations and standards of service in the City require that employees be at work unless valid reasons warrant absence. For a team to function efficiently and effectively, employees must be on the job. Attendance is an essential function of every City position.

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

- If the supervisor 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 supervisor.
- The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor.
- 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.

Failure to use the established reporting process will be grounds for disciplinary action. 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.

Section 3.3 Access to and Use of City Property

Any employee who has authorized possession of keys, tools, cell phones, pagers, 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 Director.

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 by Department Director. Any employee found having an unauthorized duplicate key will be subject to disciplinary action.

Employees are prohibited from using City property for personal purposes, except for limited exceptions addressed in other policies herein.

Section 3.4 Personal Appearance

The City places a high priority on appearance and dress in the workplace and the image we project to our customers. The dress and appearance of City employees is a direct reflection on the professionalism of our services. City employees meet with the public everyday as part of the regular workday. A neat, well-groomed employee will present a positive image of the City and demonstrate the pride of our City employees.

Radical departures from conventional dress or personal grooming and hygiene are not permitted. Clothing shall always be clean, neat and in good repair. Good hygiene is always expected. Cologne and perfume should be worn in moderation. Good judgment in choosing your attire should be used at **all times** since we are in the public eye. Employees who have questions concerning dress standards should direct them to their immediate Supervisor or their Department Director.

1. **Non-uniformed personnel:** The following items are considered inappropriate attire for the office environment on a regular workday.
 - t-shirts or tube/tank tops, unless worn as an undershirt
 - workout clothes unless teaching a fitness class
 - tennis shoes (medical considerations can be made by Doctor's request)
 - clothing that is overly revealing or outlandish so as to cause distraction
 - clothing that is overly worn, faded or in disrepair
 - shorts
 - jeans may only be worn on Friday's for office staff
2. **Uniformed Personnel**
 - Uniforms, which are provided to some City employees, are expected to be neat, fresh and clean when reporting for duty. Each department is responsible for seeing to it that employees follow regulations regarding uniforms, related accessories and equipment.
3. **Dress at Conferences and Workshops**

Employees attending conferences or workshops on City time or at City expense should follow the Personal Appearance Policy.

4. Administration of the Dress Code

Employees reporting to work in attire, which at the discretion of their immediate supervisor and/or their Department Director does not convey a professional image and is in violation of this policy, shall be warned that such clothing is inappropriate, shall not be repeated and be sent home to change clothes. The employee will not receive paid hours during this time.

All Personnel are expected to use common sense and exercise good judgment. Department Directors have the responsibility of enforcing this policy. It is recognized that employees in certain departments must dress in uniforms or casual types of clothing due to job specific duties and conditions of their position. Reasons include safety, excessive wear and tear on clothing and appropriateness for job performance. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Individuals who spend a portion of the day in the field need to dress in a manner appropriate to their jobs, as determined by their Department Director.

Section 3.5 Conflict of Interest

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

Section 3.6 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.

Section 3.7 Personal Telephone Calls

Personal telephone calls are to be made or received only when truly necessary. 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.

Section 3.8 Political Activity

City employees have a right personally to express their political views and to get involved in the political system to the extent permitted by law. However, City employees cannot use City resources, working time, or their position with the City while participating in or to participate in personal political activity or influencing other City employees on political matters. While engaging in such actions, City employees must also comply with other workplace expectations, including other personnel policies.

Section 3.9 Tobacco

The City of Faribault 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), “vaping” with e-cigarettes and the use of chewing tobacco 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 21-and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose if on City-owned property.

Section 3.10 Employment of Relatives and Domestic Partners

Employment of relatives or domestic partners in the same area can cause conflicts and problems with favoritism and morale. Relatives of current employees may be hired only if they will not be working directly for, supervising a family member or working in the same division. Current employees may not have a direct reporting relationship

with a family member. The City will transfer related employees who are in a supervisory relationship if a position is available. Should there be an instance where a relationship may be present and a promotional opportunity becomes available both parties would not be eligible per this policy.

For this policy, family member/relative includes: spouse, domestic partner, parents, children, siblings, grandparents, grandchildren, aunts, uncles, in-laws, “step” and half-blood relationships, boyfriend and girlfriend.

Section 3.11 Workplace Issues Resolution Policy

City employees must, unless otherwise established or appropriate, attempt to resolve any workplace issues or concerns with the following individuals in the following order and may only attempt to resolve the issue or concern with the next appropriate individual(s) herein if the preceding individual(s) did not adequately address their issue or concern:

1. Immediate supervisor
2. Department head
3. Human Resources Manager
4. City Administrator
5. Elected official personnel committee or an elected official

Section 4 EMPLOYEE RECRUITMENT and SELECTION

Section 4.1 Scope

The Human Resources Division 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 permanent part-time and full-time employee hires to City employment by resolution. All hires will be made according to merit and applicant’s qualifications related to the position being filled.

Section 4.2 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. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process.

Applications for employment will be done through our online application system 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 and other compensation, if any, will be determined by the City Council.

Section 4.3 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.

The Human Resource Division will establish minimum qualifications for each position with input from the appropriate Department Director. To be eligible to participate in the selection process, a candidate must meet the minimum qualifications.

Section 4.4 Pre-Employment Medical Exams

The Human Resource Manager 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 Human Resource Manager 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 Human Resources Manager 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.

Section 4.5 Selection Process

The selection process will be a cooperative effort between the Human Resources Division, City Administrator, and the hiring Department Director 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 will be delegated to the City Administrator and/or the appropriate Department Director for approval. Except where prohibited by law, seasonal and temporary employees may be terminated by the City Administrator at any time.

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

Section 4.6 Background Checks

All finalists for employment with the City may 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 Human Resources Division will determine the level of background check to be conducted based on the position being filled.

Section 4.7 Training/Probationary Period

The training/probationary period is an integral part of the selection process and will be used for the purpose of closely observing the employee's work and for training the employee in work expectations. Training/Probationary periods apply to new hires, transfers, promotions, and rehires. Training/Probationary periods are twelve months in duration, but may be extended by, for example, an unpaid leave of absence.

Section 5 ORGANIZATION

Section 5.1 Job Descriptions

The City prepares and maintains a job description for each position within the City. New positions will be developed and added with the City as needed but the position and accompanying job description must be approved by the City Council prior to the position being filled.

Each job description will include: position title, department, supervisor'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, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position. Good attendance and compliance with work rules and policies are essential functions of all City positions.

Prior to posting a vacant position the existing job description is reviewed by the Human Resource Manager and the appropriate Department Director 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 Directors 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 Human Resource Manager.

Section 5.2 Assigning and Scheduling Work

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

Section 5.3 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.

Section 6 PERFORMANCE MANAGEMENT REVIEWS

City employees are essential to providing services to the public. To provide high quality, efficient and cost-effective services, the performance of employees is crucial. Therefore, the City is committed to a performance management system for its employees that communicates performance expectations for job duties and responsibilities, workplace standards and goals and objectives; identifies an employee's strengths and areas for improvement in meeting these expectations; and fosters an employee's job development. To meet this commitment, the City promotes the following:

1. Ongoing feedback to and candid discussions with employees and about performance throughout the year;
2. Developing and rewarding good performance;
3. Formal personnel actions as necessary to address performance problems through coaching, counseling, performance improvement plans and/or progressive discipline; and
4. An annual performance evaluation that addresses prior and future performance of the employee.

An objective performance review system will be established by the Human Resource Division 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/probationary period, work plan review and informal performance meetings should occur frequently between the Department Director and/or supervisor and the employee. Conducting these meetings provides both the Department Director and/or supervisor and the employee the opportunity to discuss what is expected, what is going well and not so well.

Signing of the performance review or work plan review documents by the employee acknowledges the review has been discussed with the supervisor and does not necessarily constitute agreement. Failure to sign the document by the employee will not delay processing.

Section 7 WORK HOURS

Section 7.1 Work Hours

Employee work schedules will be established by Department Directors with the approval of the City Administrator. To ensure employee availability and accountability to the public the City serves, all full-time and permanent part-time employees (exempt and non-exempt) are to be working during their established work schedules, unless away from the work site for a work-related activity or on approved leave.

Section 7.2 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 (minimum) lunch period is provided when an employee works eight (8) or more consecutive hours. Employees working at some locations may be on a one (1)-hour unpaid lunch schedule. Employees are expected to use these breaks as intended and will not be permitted to combine break times or adjust work start time, end time, or lunch time by saving these breaks.

Employees working in City buildings will normally take their break in the building in which they are working. Employees working outdoors or away from their normal work location shall not return to their normal work location for breaks but instead shall take their breaks at the location of their work (does not apply to lunch break).

Section 7.3 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 be allowed to use accrued vacation time or compensatory time, or with Department Director approval, may modify their work schedule or make other reasonable schedule adjustments.

Sworn police officers, firefighters and public works employees will generally be required to report to work regardless of weather conditions. Decisions to cancel departmental programs (special events, recreation programs, etc.) will be made by the respective Department Director or the City Administrator. If City facilities are closed due to adverse weather conditions, employees will have the option of working in the closed facility (with appropriate supervision) or utilizing vacation leave or other compensatory leave.

Section 8 COMPENSATION

All employees of the City will be compensated according to schedules approved by the City Council. Unless approved by the Council, either directly or by delegation to the City Administrator, employees will not receive any amount from the City in addition to the pay authorized for the positions to which they have been appointed

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 employer personnel handbooks. To that end, and in accordance with Minn. Stat. §181.172, employers 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.

Section 8.1 Direct Deposit

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

Section 8.2 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, except for public safety employees. They will be paid according to the time reported on their time sheets or the like.

All times reported or recorded will be rounded to the nearest one-quarter hour. If an employee reports or records a start time or end time that is or results through rounding in at least a one-quarter hour difference from their scheduled start or end time, the employee must record in the City-specified manner the reason for the different reported or recorded start or end time. Employees are prohibited from starting or ending work and/or reporting or recording a start or end time resulting in a start or end time that is rounded to at least one-quarter hour different than their scheduled start or end time unless such earlier start or later end time is approved in advance by their supervisor or designee or the employee is working in an emergency requiring the employee to work such time.

To comply with the provisions of the federal and state Fair Labor Standards Acts (FLSA), 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. For all temporary seasonal employees that fill out paper timecards they must include the signature of the employee and immediate supervisor. Reporting false information on a time sheet or the like will be cause for discipline, up to and including termination.

FLSA exempt employees must record on their time sheets or the like the time they worked as well as time off taken during the workday. At least 40 hours must be accounted for by FLSA exempt employees on the time sheets or the like each work week.

Section 8.3 Overtime/Compensatory Time

The City of Faribault has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. Each position and employee with the City will be designated as “exempt” or “non-exempt” for purposes of determining an employee’s entitlement to overtime. In general, employees in executive, administrative, and professional job classes are exempt; all others are non-exempt.

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

1. Non-Exempt (Overtime-Eligible) Employees

If an exempt employee is not working or on a break established by this policy during normal business hours, then the employee must use generally any accumulated time off for time they are not working or receive approval from their supervisor for other time off. 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.

For most employees the workweek begins at midnight on Sunday and runs until the following Saturday night at 11:59 p.m. The employee’s supervisor 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, unless the employee indicates on his/her timesheet that the overtime earned is to be recorded as compensatory time in lieu of payment.

The maximum compensatory time accumulation for any employee is 40 hours per year. All further overtime will be paid. Employees may request and use compensatory time off in the same manner as other leave requests.

All compensatory time will be marked as such on official time sheets, both when it is earned and when it is used. The Human Resource Division will maintain compensatory time records. In the first payroll of December each year, employees will be paid for all accrued compensatory time in order that all compensatory time balances are reduced to zero. When an employee leaves employment with the City, all accrued compensatory time will be paid at the hourly pay rate the employee is earning at that time.

2. Exempt (Non-Overtime-Eligible) Employees

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors, with 40 hours being the minimum expected number of hours. Exempt employees do not receive extra pay for the hours worked over 40 in one workweek. Exempt employees are paid on a salary basis; this means that they receive a predetermined amount of pay each pay period and are not paid by the hour.

The City 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 vacation 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 sick leave, 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 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.

Section 8.4 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 morning/evening meetings as necessary.

If an exempt employee is not working or on a break established by this policy during normal business hours, then the employee must use generally any accumulated time off for time they are not working or receive approval from their supervisor for other time off. Exempt employees who are not Department Directors must communicate their absence to the appropriate Department Director. Exempt employees who are Department Directors must communicate their absence to the City Administrator or his/her designee.

All exempt positions may require work beyond forty (40) hours per week. If an exempt employee works extra hours due to unique circumstances, he or she may adjust their working hours during the same work week or immediately succeeding work week if operationally feasible to do so. Any adjustment to working hours must be approved by the employee's department head or designee and shall not be on a one-for-one basis nor may it be accumulated.

If an exempt employee is routinely 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.

Section 9 BENEFITS

Section 9.1 Health, Dental, Life, Short and Long-Term Disability, Accident, Critical Illness, Legal and Deferred Compensation Plans

The City will contribute a monthly amount toward group health insurance benefits for each eligible employee and his/her dependents. The amount to be contributed and the type of coverage will be determined by the City Council. The premiums for life and long-term disability insurance are paid for by the City. All other coverages are at the sole discretion, election, and payment by the employee.

For information about coverage and eligibility requirements, employees should refer to the summary plan description or contact the Human Resources Division for a copy.

Section 9.2 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 Human Resources Division.

Section 10 HOLIDAYS

The City observes the following official holidays for all regular full-time and part-time employees:

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

In addition to the holidays cited above, all employees shall receive one (1) floating holiday to be taken in accordance with the rules governing vacation.

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.

When a holiday falls on a Sunday, the following Monday will be the "observed" holiday and when a holiday falls on a Saturday, the preceding Friday will be the "observed" holiday for City operations/facilities that are closed on holidays.

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. For example, Independence Day falls on Saturday, July 4, 2020 and the employee works on the observed holiday which is Friday, July 3, 2020 they would receive regular pay for working that day.

Employees wanting to observe holidays other than those officially observed by the City may request either their floating holiday or vacation leave for such time off.

Section 11 LEAVES

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 may apply while using sick leave). 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.

For an employee’s hours compensated by Worker’s Compensation, an employee may supplement the Worker’s Compensation payments with a pro-rated portion of the employee’s sick leave, vacation, or compensatory time so that the combination of the two will equal the employee’s regular base pay.

Section 11.1 Sick Leave

Sick leave is authorized absence from work with pay, granted to qualified full-time and part-time employees.

Employees are to use this paid leave only when they are unable to work for medical reasons and under the conditions explained below. Sick leave does not accrue during an unpaid leave of absence.

- Employees shall be allowed to earn leave at the rate of 120 hours per year. Employees hired before January 1, 1999 shall be allowed to earn leave at the rate of 168 hours per year.
- Part-time employees regularly scheduled to work at least 20 hours per week will accrue sick leave on a pro-rated basis of the full-time employee schedule.
- Part-time employees regularly scheduled to work fewer than 20 hours per week will not earn or accrue sick leave.
- Temporary and seasonal employees will not earn or accrue sick leave.
- Sick leave may be used only for days when the employee would otherwise have been at work. It cannot be used for scheduled days off.

Sick leave may be used as follows:

- When an employee is unable to perform work duties due to illness or disability and pregnancy.
- For medical, dental or other care provider appointments.
- When an employee has been exposed to a contagious disease of such a nature that his/her presence at the work place could endanger the health of others.
- To care for or take to a medical, dental, or other care provider appointment the employee’s injured or ill children, including stepchildren or foster children, for such reasonable periods as the employee’s attendance with the child may be necessary.
- To care for, including taking to a medical, dental, or other care provider appointment, an ill or injured spouse, father, father-in-law, mother, mother-in-law, stepparent, grandparent, grandchild, sister or brother. This leave for those listed is limited to 160 hours in a calendar year.

- For reasonable absences for themselves or relatives (employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee's child, is limited to 160 hours in any calendar year.

Sick leave must be used in increments of one hour. After accrued sick leave has been exhausted, vacation leave may be used upon approval of the Department Director and City Administrator, to the extent the employee is entitled to such leave.

To be eligible for sick leave pay, the employee will:

- Communicate with his/her immediate supervisor, as soon as possible after the scheduled start of the work day, for each and every day absent;
- Keep his/her immediate supervisor informed of the status of the illness/injury or the condition of the ill family member; and
- Submit a physician's statement upon request.

After an absence, a physician's statement may be required on the employee's first day back to work, indicating the nature of the illness or medical condition and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation.

Any work restrictions must be stated clearly on the return-to-work statement. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision. Sick leave may be denied for any employee required to provide a doctor's statement until such a statement is provided.

The City has the right to obtain a second medical opinion to determine the validity of an employee's workers' compensation or sick leave claim, or to obtain information related to restrictions, an employee's ability to work, or request for reasonable accommodation. The City will arrange and pay for an appropriate medical evaluation when it is required by the City.

Any employee who makes a false claim for sick leave will be subject to discipline up to and including termination.

Employees must normally use sick leave prior to using paid vacation, or compensatory time and prior to an unpaid leave of absence during a medical leave, except where Parenting Leave under Minnesota law and the medical leave overlap.

Sick leave will generally not be approved after an employee gives notice that he or she will be terminating employment. Exceptions must be approved by the Department Director and City Administrator. Sick leave cannot be transferred from one employee to another.

In the first payroll of December each year, the City shall pay eligible employees, based on their accruals provided in their compensation agreement or labor/collective bargaining agreement, for accrued sick leave in excess of 500 hours at a rate of 1 hour of pay for each 3 hours of accrued sick leave. Accrued sick leave may also be paid out to an employee upon termination or retirement pursuant to Section XIII(E) herein.

Section 11.2 Vacation Leave

1. Eligibility

Full-time employees will start earning vacation leave immediately upon being hired by the City in accordance with the schedule below:

Vacation Leave Schedule

<u>Years of Service</u>	<u>Annual Accrual</u>
0 - 5 Years	3.08 hour per pay period
5 - 10 Years	4.62 hours per pay period
10 - 15 Years	6.16 or 6.46 hours per pay period
15 – 20 Years	6.77 hours per pay period
20+ Years	7.08 hours per pay period

Part-time employees who work at least 20 hours per week on a regular basis will accrue vacation leave on a prorated basis of the full-time employee schedule. Part-time employees who work less than 20 hours per week on a regular basis, temporary and seasonal employees will not earn or accrue vacation leave.

Requests for vacation must be received at least forty-eight (48) hours in advance of the requested time off. This notice may be waived at the discretion of the supervisor. Vacation can be requested in increments as small as one hour up to the total amount of the accrued leave balance.

2. Accrual Rate

For the purpose of determining an employee's vacation accrual rate, years of service will include all continuous time that the employee has worked at the City (including authorized unpaid leave). Employees who are rehired after terminating City employment will not receive credit for their prior service unless specifically negotiated at the time of rehire.

Employees earning vacation at a rate of 3.08 hours per pay period may not accumulate more than 140 hours of vacation leave. Employees earning vacation at a rate of 4.62 hours per pay period may not accumulate more than 200 hours of vacation leave. Employees earning vacation at a rate of 6.16 or 6.46 hours per pay period or more may not accumulate more than 260 hours of vacation leave.

3. Accrued Vacation and Comp Time Trade-In for Severely Ill Employee

Employees are allowed to trade-in accumulated vacation and compensatory time to help a fellow employee who has depleted their sick leave bank due to protracted illness. This trade-in shall require that every hour of accumulated vacation and compensatory time is worth one hour of sick time for the severely ill employee. These situations will be dealt with on a case by case basis, with a written request for each occurrence to be approved by the City Administrator or his/her designee.

Section 11.3 Funeral Leave

Employees will be permitted to use up to three (3) consecutive working days, with pay, as funeral leave upon the death of an immediate family member defined as: spouse, child, parents, parent-in-law, brothers, sisters, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, grandparent-in-law and grandchildren of the employee and the employee's spouse. One (1) day is provided for other family members.

Employees will be permitted to use one (1) working day, with pay, as funeral leave upon the death of other family members, such as: aunts, uncles, nieces, and nephews.

This paid leave will not be deducted from the employee's vacation or sick leave.

Employees may request additional time off for a longer leave or to attend the funeral of a more distant relative or friend. Prior approval of your Department Director is required, and if allowed, such leave actually used would be charged against the employee's vacation leave, or comp time should there not be enough vacation accruals, or sick leave if there is not enough vacation or comp time accruals.

Section 11.4 Military Leave

State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves, National Guard 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 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.

When possible, the employee is required to provide the City with advance notice of the military service 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.

Section 11.5 Leave for Immediate Family Members of Military Personnel

1. Injured or Killed in Active Service

An employee who has a parent, child, grandparent, sibling, or spouse who is injured or killed while engaged in active military service will be granted an unpaid leave of absence for up to ten working days.

Employees must give the City as much notice as practicable of their intent to use such leave, which may be reduced by any period of paid leave provided by the City.

2. To Attend Military Ceremonies or Other Events

Employees with a spouse, parent, or child in the military forces of the United States will be granted an unpaid leave of absence not to exceed two consecutive days or six days in a calendar year to attend: departure or return ceremonies for deploying or returning military personnel or units; family training or readiness events sponsored or conducted by the military; and events held as part of official military reintegration programs.

Employees with an immediate family other than a spouse, parent, or child (i.e., grandparent, sibling, grandchild, fiancé, or fiancée) who has been ordered into active service in support of a war or other national emergency as a member of the United States armed forces will be granted a leave of absence without pay to attend a send-off or homecoming ceremony for the mobilized service member, unless the leave would unduly disrupt the operations of the employer. Such leave is limited to the actual time necessary for the employee to attend a send-off ceremony for the mobilized service member, not to exceed one day's duration in any calendar year.

Section 11.6 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 vacation or compensatory time to make up the difference.

Employees are required to notify their Department Director 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. However, if a temporary or seasonal employee is classified as exempt, he/she will receive compensation for the jury duty time.

Section 11.7 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.

Section 11.8 Pregnancy and Parenting Leave

Employees who work twenty (20) hours or more per week and 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 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 30 days. If the leave must be taken in less than thirty 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. For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave absence.

A. Section 11.9 Reasonable Unpaid Work Time for Nursing Mothers

Nursing mothers will be provided 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.

Section 11.10 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.

Section 11.11 School Conference and Activities Leave

Employees working an average of 20 or more hours per week 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 vacation leave hours for this absence, but are not required to do so.

Section 11.12 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 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.

Section 11.14 Victim or Witness at a Criminal Trial Leave

An employer 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.

Section 11.15 Domestic Abuse and Harassment Restraining Order Leave

An employee may take reasonable time off from work to obtain or attempt to obtain relief under the Domestic Abuse Act, Minn. Stat. § 518B.01 (2014), as amended or a restraining order under Minn. Stat. § 609.748 (2014), as amended. Except in cases of imminent danger to the health or safety of the employee or the employee's child, or unless impracticable, an employee who is absent from the workplace shall give 48 hours' advance notice to the employer. Upon request of the employer, the employee shall provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave shall be kept confidential by the employer.

Section 11.16 Elections / Voting/ Other

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 twenty (20) 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 supervisors to avoid coverage issues.

1. Elected Official

An employee elected to a public office is permitted time off from regular employment to attend meetings required by reason of the public office. The time off may be without pay, with pay, or made up with other hours, as agreed between the employee and employer. When an employee takes time off without pay, the employer shall make an effort to allow the employee to make up the time with other hours when the employee is available.

2. Civil Air Patrol

An employee shall receive a leave of absence without pay for time spent rendering service as a member of the civil air patrol on the request and under the authority of the state or any of its political subdivisions, unless the leave would unduly disrupt the operations of the employer.

Section 11.17 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.

Section 11.18 Personal Leave of Absence

The City Administrator may authorize leave without pay for up to fourteen (14) calendar 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, dental 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, sick leave, or vacation leave. Employees who are working reduced hours while on this type of leave will receive holiday pay on a prorated basis and will accrue sick leave and vacation leave based on actual hours worked.

Leave without pay hours will not count toward seniority and all accrued vacation leave 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 sick leave 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 Council.

Section 11.19 Family and Medical Leave

1. Eligibility

To qualify to take family and medical leave (FMLA) under this policy, an employee must meet all the following conditions:

- A. 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.
- B. 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. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1250 hours of eligibility test for an employee under FMLA.

2. Types of Leave Covered

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).

3. Definitions

- **"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"** is defined as a person under 18 years of age (or a person incapable of self-care because of a physical or mental disability) who is a biological, adopted, foster, or step child, a ward of the employee, or a person with whom the employee is charged with a parent's rights, duties, and responsibilities.
- **"Spouse"** does include domestic partners or common-law spouses.
- An eligible **"parent"** includes a biological parent or a person who was charged with parental rights, duties, and responsibilities over the employee when the employee was under the age of 18; "parent" does not include in-laws.
- **"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.
 - **"Incapacity"** means inability to work, attend school or perform other regular daily activities.

4. 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 looking forward basis.

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.

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.

5. 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.

6. Procedure for Requesting Leave and Notice

All employees requesting FMLA leave must provide written or verbal notice of the need for the leave to the Human Resources Manager.

When the need for the leave is foreseeable, the employee must give verbal or written notice to the Human Resources Manager 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.

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.

7. 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.

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.

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, a FFD certificate may be required as frequently as every 30 days during periods when the employee has used intermittent leave.

8. Recertification and Annual Medical Certification

Recertification of the need for 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.

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

9. 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.

An employee's reinstatement rights are the same as they would have been had the employee not been on leave. Thus, if an employee's position would have been eliminated or an employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

10. Notice of Intent to Return from FMLA Leave

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

11. Effect on Benefits

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. All paid benefits run concurrently with unpaid FMLA benefits. For example, STD benefits, if available, will run concurrently with unpaid FMLA leave so that an employee will receive STD benefits while taking up to 12 weeks of FMLA leave. 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.

The employee will be required to continue payment of the employee portion of group insurance coverage while on leave. If paid leave is being used during an FMLA leave, the employee's share of group health plan premiums must be paid by the method normally used during paid leave (usually payroll deduction). An employee on unpaid FMLA leave must plan to pay the normal employee portion of the insurance premiums in order to maintain insurance coverage. Arrangements for payment of the employee's portion of premiums must be made by the employee with the City.

12. 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.

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.

13. Activities Prohibited During FMLA

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. 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.

14. Seniority

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.

15. Use of Accrued Paid Leave or Compensatory Time During Family and Medical Leave

Prior to taking unpaid FMLA leave employees must use all accrued sick leave, vacation leave and compensatory time prior to taking an unpaid leave unless their medical condition/injury is covered by worker's compensation or the absence qualifies under the Parental Leave Policy.

Any paid disability leave benefits or sick leave available to employees for covered reason, such as an employee's serious health condition or a covered family member's serious health condition, including workers' compensation leave, to the extent that it qualifies, will run concurrently with FMLA.

16. Unpaid Medical Leave of Absence

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.

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:

- o “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.

- o “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:

- o 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

- o 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:

- o 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

- o 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.

18. Worker's Compensation

For an employee's hours compensated by Worker's Compensation, an employee may supplement the Worker's Compensation payments with a pro-rated portion of the employee's sick leave, vacation, or compensatory time so that the combination of the two will equal the employee's regular base pay.

S. Worker's Compensation

For an employee's hours compensated by Worker's Compensation, an employee may supplement the Worker's Compensation payments with a pro-rated portion of the employee's sick leave, vacation, or compensatory time so that the combination of the two will equal the employee's regular base pay.

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.

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 leaves benefits (Short-Term Disability or Long-Term Disability), sick leave, 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.

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.

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

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. 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

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.

UNPAID MEDICAL LEAVE OF ABSENCE

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.

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.

11.20 Worker’s Compensation

For an employee’s hours compensated by Worker’s Compensation, an employee may supplement the Worker’s Compensation payments with a pro-rated portion of the employee’s sick leave, vacation, or compensatory time so that the combination of the two will equal the employee’s regular base pay.

Section 12 RESPECTFUL WORKPLACE POLICY

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.

Section 12.1 Applicability

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

Section 12.2 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 supervisor 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, a supervisor should be contacted immediately. When extreme conditions dictate, 911 may be called. 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 supervisor about the incident as soon as possible.

Section 12.3 Types of Disrespectful Behavior

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

Violent behavior includes the use of physical force, harassment, bullying or intimidation.

Discriminatory behavior includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, gender-biased statements, such as stereotypes about women or men, sexual orientation, gender identity, gender expression, marital status, age, familial status, or status with respect to public assistance, veteran status, membership on a local human rights commission, pregnancy, childbirth, or related medical conditions, reserve or National Guard status, military service, citizenship, or any other basis protected by law, except where there is a bona fide occupational qualification.

Offensive behavior may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and Department Director what is regarded as offensive, considering 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 Director or the Human Resource Manager.

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.

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.
- 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.

Section 12.4 Access to Gender-Segregated Activities and Areas

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

In any gender-segregated facility, any employee who is uncomfortable using a shared facility, regardless of the reason, will, upon the employee's request, be provided with an appropriate alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, the City will not require a transgender or gender diverse employee to use a separate, nonintegrated space, unless requested by the transgender or gender diverse employee, because it may publicly identify or marginalize the employee as transgender.

Under no circumstances may employees be required to use sex-segregated facilities that are inconsistent with their gender identity.

Section 12.5 Possession and Use of Dangerous Weapons

Possession or use of a dangerous weapon (see definitions section) 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.

Section 12.6 Employee Response to Disrespectful Workplace Behavior

Employees who believe that disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. However, if the allegations involve violent behavior, sexual harassment, or discriminatory behavior, then the employee is responsible for taking one of the actions below. If employees see or overhear a violation of this policy, they are encouraged to follow the steps below.

Step 1(a). Politely, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person 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 supervisor, Department Director or to the Human Resources Division. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter no later than ten business days after your report.

Step 1(c). In the case of violent behavior, all employees are required to report the incident immediately to their Department Director or to the Human Resources Division or the Police Department. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it within two business days to their Department Director or to the Human Resources Division.

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.

Section 12.7 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 Director should report the allegations within two business days to the Human Resources Manager, who will determine whether an investigation is warranted after consultation with the City Attorney. A Department Director should act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, Department Directors will use the following guidelines when an allegation is reported:

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

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.

Step 3. The Department Director should notify the Human Resources Manager about the allegations.

Step 4. As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

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

Step 6. The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable and the extent permitted by law.

Section 12.8 Special Reporting Requirements

When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the Human Resources Manager and City Administrator who will assume the responsibility for investigation and discipline.

If the Human Resources Manager or 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.

Section 12.9 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).

Section 12.10 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.

Section 13 SEPARATION FROM SERVICE

Section 13.1 Resignations

Employees wishing to leave City employment in good standing must submit a written resignation notice to their supervisor, at least ten (10) working days in advance. Exempt Employees must submit a written notice at least thirty (30) calendar days in advance. The written resignation must state the effective date of the employee's resignation. Advance notice will assist the City in preparing to fill the position. An employee's effective date of resignation cannot be changed, unless authorized by the City Administrator.

Unauthorized absences from work for a period of three (3) consecutive workdays may be considered as a 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.

Section 13.2 Layoff

In the event it becomes necessary to reduce personnel, temporary employees and those serving a training/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 performance, knowledge, skills, and abilities 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.

Section 13.3 Return of City Property

Employees leaving City employment are required to return all property and equipment issued by the City prior to his or her last day of employment. This equipment includes, but is not limited to, building keys, gas pump and vehicle keys, identification badges, and all such other property issued to employees during the course of their employment. Employees may be asked to sign a form indicating they have returned all such property.

Section 13.4 Separation Pay

1. Vacation Payout

An employee will be compensated for accrued vacation and compensatory time upon separation.

2. Sick Leave Severance

Severance pay for accrued sick leave shall be paid to employees who leave in good standing and who have at least three years of service will receive the following amounts:

One-half of accrued sick leave for the first 500 hours.

One-third of accrued sick leave for any hours in excess of 500.

Sick leave severance benefits will be paid at the employee's regular rate of pay on the last date as an employee.

Section 14 DISCIPLINE

Section 14.1 General Policy

Department Directors 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. 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 Director and/or the Human Resources Division will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Section 14.2 Process

The City may elect to use progressive discipline with any 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 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:

- Oral Reprimand
- Written Reprimand
- Suspension With or Without Pay
- Demotion and/or Transfer
- Salary Change
- Discharge

Section 15 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 facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested, to the proper Department Director within fourteen (14) calendar days after the alleged violation or dispute has occurred. The Department Director will respond to the employee in writing within fourteen (14) 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 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 Human Resources Division within seven (7) calendar days after the Department Director's response is due. The Human Resources Division will respond to the employee in writing within seven (7) calendar days.

Step 3: If the grievance has not been settled in accordance with Step 2, it must be presented in writing, stating the nature of the grievance, 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 Council within seven (7) calendar days after the response from the Human Resources Division is due. The City Council will respond to the employee in writing within twenty-one (21) calendar days. The decision of the City Council is final.

Waiver

If a grievance is not presented within the time limits set forth above, it will be considered waived by the Employee. 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 shall 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:

1. Performance evaluations; and
2. Pay step increases or lack thereof.

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

Section 16 EMPLOYEE EDUCATION and 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.

Section 16.1 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.

Section 16.2 Job-Related Training and Conferences

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 and/or the licensing or other professional accreditation is a requirement of the employee's position.

The Department Director is responsible for determining job-relatedness and approving or disapproving training and conference attendance. If the Department Director is uncertain as to the determination, they shall review it with the City Administrator prior to approval. Attendance at professional meetings or conferences directly related to the performance of the employee's work responsibilities require approval of the Department Director and City Administrator. Advance approval by the Department Director is required to ensure adequate Department coverage.

Section 16.3 Procedure for Participation in Job-Related Training and Conferences

The request for participation in a training session or conference must be submitted in writing to the employee's Department Director on the appropriate form. All requests must include an estimate of the total cost (training session, travel, meals, etc.) and a statement of how the education or training is related to the performance of the employee's work responsibilities with the City. Notice of the Department Director's approval of the employee's job-related training and conference will be forwarded to the City Administrator for final approval. Upon completion of the job-related training or conference the employee, any certificate or evidence of completion of the training or conference will be included in the employee's personnel file. Payment information such as invoices, billing statements, etc., regarding the conference or training should be forwarded to the Finance Department for prompt payment.

Section 16.4 Out of State Travel

Requests for out of state travel or travel that is outside of a 200-mile radius is reviewed for approval/ disapproval by the City Administrator (proper form with cost estimate must be completed for review). Attendance at training or conferences out of state is approved only if the training or conference has a cost estimate and within budget, is not available locally, there is an overall benefit to the City, is a necessity for one's job, and passes any other review factors the City Administrator deems necessary.

Section 16.5 Compensation for Travel and 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.

Section 16.6 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 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, if possible, and may be transferred to another employee by the Department Director.

Section 16.7 Travel and Meal Allowance

If employees are required to travel outside of the area in performance of their duties as a City employee, they will receive reimbursement of reasonable expenses for meals, lodging and necessary expenses incurred. Reimbursement for meals will not be permitted if meals are included as part of the training or conference attended by the employee, or provided as part of the lodging.

1. **Transportation** - Several means of transportation exist and each travel request shall consider the least-cost method. For the majority of travel requests, a City vehicle provides the least-cost to the City and shall be considered before any other means. Vehicles from other departments may be available and shall be a consideration. The employee may choose to use their own vehicle but not get reimbursed if there is a City vehicle available and they choose not to use it.
 - A. **City Vehicle** – All direct expenses incurred will be reimbursed, including fuel, oil and maintenance/repair expenses. Only City employees are authorized and insured to drive a city owned vehicle.
 - B. **Personal Vehicle** – When a city vehicle is not available, a personal vehicle may be authorized for use. City reimbursement for the use of a personal vehicle is based on the current IRS approved mileage rate using the shortest route. If the travel originates from home, the mileage reported for reimbursement should be from the home or employee's normal City work facility, whichever is less. An employee's normal commute mileage will not be reimbursed. For employee's receiving a vehicle allowance, use of their personal vehicle is required and no mileage payment will be made.
 - C. **Airplane/Other** – Travel by any means other than by vehicle shall be approved by the City Administrator.
2. **Lodging** – The City will reimburse the reasonable cost of lodging for training, seminars or conventions of two or more days if the event site is **outside a 50 mile radius** of Faribault. Exceptions may be made at the discretion of the City Administrator (i.e. sessions start/end early/late). All employees shall ask for a standard room. In the event that a standard room is not available, other lodging establishments shall be contacted prior to booking a non-standard room. A non-standard room is reimbursable if it is at a contract rate through the event, offered at the same rate as a standard room or if no other options are available within a reasonable distance from the event. Employees should also reserve individual rooms and are not allowed to share a room with another employee that is attending the same training, seminar, or convention.

An increase in lodging rate due to other individual's staying with the employee is not reimbursable. The employee will be reimbursed only for a standard room. Entertainment expenses incurred will not be reimbursed, such as in-room movies, mini-bar and optional entertainment-type events provided at conferences.

3. **Meals** – The City will reimburse the cost of job-related meals only if an employee's travel requires an overnight stay or if a business meeting is held during typical meal hours. The following time schedules are in place for each meal as per IRS regulations on per diem (which is an allowance or payment for meals):

Breakfast:	Travel begins before 6 am and extends beyond 9 am
Lunch:	Travel begins before 11 am and extends beyond 2 pm
Dinner:	Travel begins before 4 pm and extends beyond 7 pm

Incidentals such as parking will be reimbursed. Per diem amounts are subject to change per IRS regulations each year.

- A. Meetings scheduled and held during typical meal hours do not automatically necessitate that a meal will be provided at City expense. Per IRS regulations, a meal must have a clear business purpose in order to be reimbursed.

- B. Per diem applies to the meal, non-alcoholic beverage, and sales tax.
- C. The daily per diem cannot be combined in any fashion in order to reimburse an employee for a meal costing more than the maximum amount listed per IRS regulations. For example, an employee cannot use the breakfast and lunch amounts to justify reimbursement of a dinner costing more than the per diem rate.
- D. Employees are expected to take advantage of meals provided by the conference or seminar. The City will not reimburse an employee for a purchased meal when a meal was provided by the event.
- E. If more than one employee is present at a job-related meal, one employee may pay for the entire meal cost of all employees. The reimbursement request shall clearly identify each employee present for the meal.
- F. If non-city personnel are present at a job-related meal, the city may reimburse the paying employee for the cost of the meal(s) of the individual(s) if an itemized receipt and a form indicating who attended, where the meal was held and the city-related purpose for the meal is submitted and approved by the Department Director and City Administrator. Reimbursement of a non-employees meal is subject to the same per diem as the employee.
- G. When other people are present, a separate detailed receipt for the employee's meal shall be requested.
- H. The per diem may be adjusted for out-of-state travel by the City Administrator based on current IRS per diem guidelines.
- I. Purchase of meals with a City credit card for a training or conference is prohibited. Reimbursements for a breakfast, lunch or dinner meeting in conjunction with an approved conference/workshop/school/seminar/meeting shall be reimbursed per the per diem rates listed above.
- J. As an alternative to being reimbursed, the employee may instead draw the appropriate amount of per diem in advance of the trip to cover those meals not included and incidental. Under this option, receipts are not required to be submitted.

Section 16.8 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 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. 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.

Should an employee satisfactorily complete all or a portion of the required classes, but chooses to resign from employment with the City within two (2) years from the date of the most recently completed class, the employee will be required to repay to the City 100% of the total program costs. Any employee required to go

to a training course or meeting, paid for by the City, the employee would not be required to reimburse the City as it is part of their normal work requirements.

Section 17 WORKPLACE MODIFICATIONS

Section 17.1 Reasonable Accommodation for Disability

The City is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the City to reasonably accommodate qualified individuals with disabilities unless the accommodation

would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

1. Definition

Disability: For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

Reasonable accommodation: A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applied to three aspects of employment:

- A. To assure equal opportunity in the employment process;
- B. To enable a qualified individual with a disability to perform the essential functions of a job; and
- C. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Undue Hardship: An undue hardship is an action that is unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the City.

2. Procedures

Procedure - Current employees and employees seeking promotion.

- A. The City will inform all employees that this accommodation policy can be made available in accessible formats.
- B. The employee shall inform the City Administrator of the need for an accommodation.
- C. The City Administrator may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.

- D. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
1. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
 2. Determine the precise job related limitation.
 3. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 4. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the City is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
 5. The City Administrator or his/her designee will work with the employee to obtain technical assistance, as needed.
 6. The City Administrator will provide a decision to the employee within a reasonable amount of time.
 7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the City, the employee and the City Council or its designee(s) shall work together to determine whether reassignment may be an appropriate accommodation.

Procedure - Job Applicants.

- A. The job applicant shall inform the City Administrator of the need for an accommodation and they will discuss the needed accommodation and possible alternatives with the applicant.
- B. The City Administrator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Procedure for determining undue hardship.

- A. The employee will meet with the City Administrator to discuss the requested accommodation.
- B. The City Council or its designee(s) will review undue hardships by considering the following:
 1. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
 2. The impact of the accommodation on the nature or operation of the City.
 3. The City Council or its designee(s) will provide a decision to the employee.

3. Appeals

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may initiate a grievance under the grievance procedure in these policies. If the individual believes the decision is based on discriminatory reasons, then they may address their concerns internally through the city's internal workplace issues resolution policy in these policies.

4. Supported Work

The City will review vacant positions and assess the current workload and needs of the city to determine if job tasks might be performed by a supported employment worker(s).

Section 17.2 Reasonable Accommodation 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.

Section 17.3 Reasonable Accommodation for Religion

The City respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the city's business.

An employee whose religious beliefs or practices conflicts with his/her job, work schedule, or with the city's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation must submit a written request for the accommodation to his/her immediate supervisor. The written request will include the type of religious conflict that exists and the employee's suggested accommodation.

The immediate supervisor will evaluate the request considering whether a work conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available which is reasonable and which would not create an undue hardship on the city's business. An accommodation may be a change in job, using paid leave or leave without pay, allowing an exception to the dress and appearance code which does not impact safety or uniform requirements, or for other aspects of employment. Depending on the type of conflict and suggested accommodation, the supervisor may confer with his/her supervisor or City Council or its designee(s).

The supervisor and employee will meet to discuss the request and decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, he/she may appeal following the city's general grievance policy and procedure.

Section 17.4 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. A modified assignment is evaluated by the City Council or its designee(s) on a case-by-case basis. This policy does not guarantee any modifications to an assignment.

Such assignments are for short-term, temporary disability-type purposes; assignment of is at the discretion of the City Council or its designee(s). The City Council or its designee(s) reserves the right to determine when and if 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 supervisor 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 a modified assignment. Upon receipt of the written request, the supervisor is to forward a copy of the report to the City Council or its designee(s).

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 Council or its designee(s) whether or not to assign work to the employee. Although this policy is handled on a case-by-case basis, such assignments will not generally be approved beyond six months.

If the city offers a modified 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 circumstances of each disabled employee performing work will be reviewed regularly. Any modified work assignment may be discontinued at any time.

Section 18 OUTSIDE EMPLOYMENT

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

For the purpose of this policy, outside employment refers to any non-City employment or 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. The following is to be considered when determining if outside employment is acceptable:

- 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 employer 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 employer, 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.

City employees are not permitted 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.

Section 19 DRUG and ALCOHOL-FREE WORKPLACE

In accordance with federal law, the City 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 and alcohol-free, safe, and secure work environment.
- B. Employees are prohibited from being under the influence of illegal drugs or alcohol while on duty for the City. 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.

Section 20 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.

The City may examine driving records prior to hiring, once per year thereafter, and at any time to determine compliance with this policy. Employees who lose their driver's license or receive restrictions on their license are required to notify their Department Director on the first work day after any temporary, pending or permanent action is taken on their license and to keep their Department Director informed of any changes thereafter. The City will determine appropriate action on a case-by-case basis.

Section 20.1 Federal Motor Carrier Safety Administration (FMCSA)

For all drivers with CDL licenses, the City adheres to the FMCSA Drug and Alcohol Clearinghouse. Thus, all drivers must give consent to the City of Faribault to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about them exists in the Clearinghouse. Drivers will give consent to the City of Faribault to conduct multiple limited queries which will be conducted each year for the duration of their employment.

Drivers understand that if the limited query conducted by the City of Faribault indicates that drug or alcohol violation information about them exists in the Clearinghouse, FMCSA will not disclose that information to the City of Faribault without first obtaining additional specific consent from them.

Drivers further understand that if they refuse to provide consent for the City of Faribault to conduct a limited query of the Clearinghouse, the City of Faribault must prohibit them from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations. Should they not consent to the limited query, they understand that they would not be able to perform the essential functions of the job as an employee of the City of Faribault and requirement of CDL licensure in their position and would be subject to the appropriate disciplinary action.

Section 21 CELLULAR PHONE USE

Section 21.1 Purpose

Cellular telephones are intended for the use of City employees in the conduct of their work for the City. Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit supervisor 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 to comply with hands free requirements 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. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area.
- 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”.

City Owned Cellular Telephones

The use of City-owned cellular telephones shall be for official use only, except for specifically authorized personal (non-official) use. City-owned cellular telephones cannot be used at any time in violation of state or federal laws or in violation of any departmental work rules. In addition, City-owned cellular telephones or City-subsidized cellular telephones (employees receiving an allowance and while at work) shall not be used for the purpose of creating personal financial gain. Department Directors will identify whether an employee is required to be furnished a City owned cellular telephone. City-owned cellular telephone service will only be approved through City-authorized companies. Other contracts will be terminated as appropriate and switched to an approved provider.

Allowance Based Cellular Telephones

Department directors and other key personnel, as determined by Department Director and approved by the City Administrator, will be eligible for the cellular telephone allowance. Eligible employees may be paid a \$40 taxable stipend for the purchase of a new cellular telephone every two years, provided a new telephone is purchased and receipt is provided. Eligible employee will also be paid a monthly allowance through the payroll system of \$35. All employees receiving the City’s cellular telephone allowance will be responsible for both their cellular telephone and the cellular telephone bill arising from the use of their cellular telephone. An employee is eligible for this allowance only if they provide the City and the public their cellular telephone number and agree to accept and make City business calls through this service.

RESPONSIBILITIES:

City-Owned Cellular Telephones

Those individuals assigned cellular telephones shall assume the responsibility to use the equipment in accordance with the provisions of this directive as well as in accordance with all applicable laws. Personal

calls from City-owned cellular telephones must be restricted to those incidental purposes as outlined in this directive. Such calls should result in no additional cost to the City. If additional costs do occur which are due to personal calls, the user is responsible for the additional expense. Toll calls outside the local service area for reasons other than official use or "900" calls are expressly forbidden. Out-of-pocket costs may occur simply because the personal use places the overall use for a billing period over the maximum allotted air time under the applicable billing plan.

The Human Resources and IT staff will review telephone bills of employees assigned a City owned cellular telephone to assure compliance with this directive. When an employee leaves the department or terminates employment, the Department Director is responsible to recover the City-owned cellular telephone. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the cellular telephone for return or inspection. Employees unable to present the cellular telephone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Any employee using a City-owned cellular telephone must agree in writing to pay any excess personal usage through payroll deduction.

Loss or Damage of City Cellular Telephones

Cellular telephones shall remain the sole property of the City and shall be subject to inspection or monitoring (including related records) at any time. Employees in possession of City equipment such as cellular telephones are expected to protect the equipment from loss, damage, or theft. In the event any cellular telephone or other related equipment is damaged in the course of business under reasonable circumstances, the item should be brought to the employee's Department Director for direction as to contacting the IT Division for repair or replacement. Lost or stolen cellular equipment shall be immediately reported to the employee's Department Director so the service may be cancelled; a timely police report should also be filed.

The Department Director must authorize the replacement request and provide an account to which the replacement will be charged. Employees may be financially responsible for the replacement if:

1. Equipment is lost or damaged while in the care of an employee as a result of the employee's gross negligence.
2. Equipment is not returned by an employee within the specified period of time or is damaged upon its return.
3. Equipment is damaged due to failure to adhere to maintenance or operational policies.

Allowance Based Cellular Telephones

Employee's receiving the benefit of the allowance must be available via cellular telephone as directed 24 hours per day, seven days per week, or as specified by the appointing authority. Further, it is the employee's responsibility to purchase the telephone, pay the monthly bill, and provide their Department Director with an active telephone number. (Note: Employees may be provided \$40 stipend every two years to be applied to the initial cost of the telephone purchase/lease agreement. Some employees eligible for this allowance may currently have a City-owned cellular telephone.

An allowance-based cellular telephone is the property of the employee and will be retained by the employee when the employee terminates employment.

In certain circumstances, such as a major weather catastrophe or other type of natural or manmade disaster, an employee with an allowance-based cellular telephone may incur a substantial increase in their usage in pursuit of their required duties. In such event and at the sole discretion of the Human Resources Manager, an employee with an allowance-based cellular telephone may submit their detailed cellular telephone bill for reimbursement of official use calls in excess of minutes available from a City-owned cellular telephone service provider for a price equal to the employee's cellular telephone allowance.

Section 21.2 Safety Issues for Cellular Telephone Use

In situations where a City cellular telephone has been issued and the employee's job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy. With the exception of extraordinary circumstances, operators of authorized emergency vehicles are to comply with the hands-free requirement while driving. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cellular telephone or stipend for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Text messaging, reading emails, and writing emails while driving is not allowable under any circumstance. Employees who are charged with traffic violations resulting from the use of a cellular telephone while driving on duty will be subject to disciplinary action and personal liability resulting from such traffic violations. Violations of this policy will be subject to discipline, up to and including dismissal.

Personal cell phone usage will only be allowed during rest periods or meal breaks. Emergency calls can be made to the general number or supervisor and will be relayed to the employee. This shall be monitored and will be subject to discipline, up to and including dismissal.

Section 21.3 Procedure

Incidental use of cellular telephone services by employees for personal use is not inconsistent with this policy. When such use takes place, the employee will reimburse the City for any additional cost of the calls including taxes that are applied. When such use consists of long-distance telephone calls, the employee must charge such call to a private telephone number or private credit card. In the event an emergency long-distance personal telephone call is charged to the City, the employee will reimburse the City for the actual costs associated with the use.

In the event a City-owned cellular telephone is lost or stolen, the employee shall report to the Department Director who shall report to the IT Division the lost or stolen cellular telephone and the phone number.

Section 22 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.

Section 22.1 Reporting Accidents, Illnesses, and Injuries

All employees are required to report any job-related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor 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 supervisor 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 supervisor and plan for a medical appointment.

Both Minnesota workers' compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

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

Section 22.2 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.

Section 22.3 Unsafe Behavior

Department Directors 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.

Section 23 COMMUNICATIONS, PRIVACY AND SECURITY

Section 23.1 Data Practices

All data collected, received, or maintained by the City, including data collected, received, or maintained by City employees are governed by the Minnesota Government Data Practices Act ("MGDPA"). All employees must exercise extreme care to maintain data in accordance with the provisions of that law. Employees shall never release any private, nonpublic, or confidential data to any non-City employee (including, but not limited to, employees' families, friends, and spouse) or to any City employee not officially concerned with the information.

If an employee is uncertain whether data is public or nonpublic, private or whether the data can be released, accessed, or discussed, the employee must consult with their supervisor or the City Administrator and the applicable policies and provisions of the MGDPA.

An employee found to have violated the Data Practices Act or the provisions of this section may be subject to disciplinary action, up to and including immediate termination.

Section 23.3 Personnel File

The City Administrator's office will maintain a personnel file on each employee. These files are maintained in accordance with the Minnesota Government Data Practices Act and other laws related to the collection and retention of information. Personnel files are generally available for the employee's review during the City Administrator's regular office hours. The City will release copies of records in the personnel file only in accordance with the Minnesota Government Data Practices Act.

Section 23.4 Communications

All City employees have a responsibility to help communicate accurate and timely information to the public about City business 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 a communication 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.

With the exception of routine events and basic information that is 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, and web sites. When responding to media requests, employee 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 Council. When/if the City Council 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 Council.
- All information must be respectful, professional and truthful. Corrections must be issued when needed.
- Personal opinions generally don’t belong in official City statements. One exception is communications related to promoting a City service. For example, if an employee posted 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.
- Employees need to notify and receive approval from the City Council if they will be using their personal technology (cell phones, home computer, cameras, etc.) for City business. Employees should be aware that the data transmitted or stored may be subject to the Data Practices Act.

It is important for City employee to remember that the personal communications of employees may reflect on the City, especially if employees are commenting on City business. 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.

- Remember that what you write is public and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information that you would not want your boss or other employees to read, or that you would be embarrassed to see in the newspaper.
- The City expects its employees to be truthful, courteous, and respectful towards citizens, customers and other persons associated with the City. Do not engage in name-calling or personal attacks.
- If you publish something related to City business, identify yourself and use a disclaimer such as, “I am an employee of the City. However, these are my own opinions and do not represent those of the City.
- City resources, working time, or official City positions cannot be used for personal profit or business interest, or to participate in personal political activity. For example, a fiscal clerk could not use the City’s logo, email or working time to promote his/her side business as an accountant.

- Personal social media account name or email names should not be tied to the City.

Section 23.5 Monitoring and Inspection

There is no general or specific expectation of privacy in the workplace, either on the premises of the city or while on duty. In general, employees should assume that what they do while on duty or on the City premises is not private.

In public spaces and where the City assigns offices, vehicles, cubicles, desks, file cabinets, drawers, lockers, or other work spaces and storage areas to an employee, those public spaces, work spaces and storage areas continue at all times to belong to the City and may be monitored and inspected at any time without the consent or knowledge of the employee in a public space or to whom they work spaces and storage areas may be assigned. Monitoring of these spaces and areas may include video or electronic surveillance. The contents of such surveillance is intended to and may be used for, among other things, determining whether a workplace standard has been violated and in disciplinary proceedings and may be disclosed to appropriate individuals and entities involved in making such a determination and disciplinary proceedings.

No employee should consider any of these areas, or any compartment within these areas, as belonging to the employee or otherwise to be areas private to the employee, even if the employee uses his own lock or other security device.

Employees who bring personal property into or onto the facilities or vehicles of the City should understand that such personal property may also become the subject of a workplace inspection. Because employees are presumed to use the facilities of the City to conduct the business of the City, employees should be aware that personal storage or conveyance items such as briefcases and file folders owned by the employee may be deemed to contain the property of the City and may be included in routine or focused workplace inspections.

The City reserves the right to conduct inspections to monitor compliance with rules concerning safety of employees, security of the city and individual property, drugs and alcohol, and possession of other prohibited items. "Prohibited items" includes illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, any items of an obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property. "Control" means knowing where a particular item is, having placed an item where it is currently located, of having any influence over its continued placement. In addition to the City premises, the City may search employees, their work areas, lockers, personal vehicles if driven or parked on City property, and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and other containers. In requesting a search, the City is by no means accusing anyone of theft, some other crime, or any other variety of improper conduct.

All employees of the city are subject to this policy. However, any given search may be restricted to one or more specific individuals, depending upon the situation. Searches may be done on a random basis or based upon reasonable suspicion. "Reasonable suspicion" means circumstances suggesting to a reasonable person that there is a possibility that one or more individuals may be in possession of a prohibited item as defined above. Any search under this policy will be done in a manner protecting employees' privacy, confidentiality, and personal dignity to the greatest extent possible. The City will respond severely to any unauthorized release of information concerning individual employees.

No employee will ever be physically forced to submit to a search. However, an employee who refuses to submit to a search will face disciplinary action, up to and possibly including immediate termination of employment.

Section 24 ACCEPTABLE USE POLICY FOR ELECTRONIC COMMUNICATIONS, ARCHIVE SYSTEM AND INTERNET USE

The City recognizes that phone and computer systems are increasingly interconnected and sophisticated in their ability to create, disseminate and store electronic files and messages, along with an increased potential for the inappropriate release of non-public data.

The City has developed policies and guidelines regarding appropriate use of City resources for both personal and business purposes, including:

- 1) making and receiving telephone and cellular phone calls and disseminated voicemail;
- 2) using the Internet,
- 3) creating and disseminating electronic mail and faxes; and
- 4) using the archive system
- 5) the creation, use and storage of computer files
- 6) using the wireless network.

The computer and communications systems operated by City for the conduct of business are the property and work environment of City, and all City policies relating to personal conduct apply to access to and use of these resources.

The Internet and the public and private telephone systems have become a de facto standard for communication between disparate governmental, commercial organizations and private citizens. Communications traffic may cross multiple and different networks prior to reaching the client destination. Yet the public has a high reliance on the integrity and accuracy of data shared from the City. Therefore, each City employees should consider themselves to be responsible for adhering to the guidelines and polices regarding the use of these system, to protect the accuracy, integrity and dependability of the City's electronic systems and information.

Section 24.1 No Privacy

Users have no expectations of privacy in using these systems. No communications using these systems should be considered private or personal. Since records retention policies may apply to electronic communications, users should assume that even deleted messages are retrievable at a later date.

Section 24.2 Careful Use

The City provides telephone, cellular phone, fax, Internet access, archive system, wireless network, and e-mail to speedily conduct the business of the City. Department Directors will grant use of these systems to employees as needed depending on their job function and responsibilities. Once given access, users are expected to use these systems in a responsible manner at all times. All usage should be able to withstand public scrutiny without embarrassment to the City.

Employees with City laptops with wireless cards may request the IT Division to configure the laptop to connect to the City's network. The City also has a wireless network in place for the public to use at City Hall. This network password will be given to the Department Directors to be used when needed.

Section 24.3 Content

Each user is responsible for the content of all text, audio, images and video they print, send over the Internet or phone systems. All messages should contain the user's identity, and should be written with the same professional manner as any hard-copy correspondence.

Users should demonstrate respect for intellectual property and ownership of information by providing source attribution whenever possible. Users should respect system security and integrity by using such mechanisms

properly. Users should respect their co-worker's right to privacy and to a workplace free from intimidation by their conduct when using these systems.

Personal use of telephone, cellular phone, fax, Internet access, and e-mail is permitted, provided such use:

1. does not impair the employee's workplace performance and production,
2. done on the employee's personal time,
3. does not interfere with business usage;
4. does not contain harassing or threatening material,
5. is not performing work for profit, for personal gain, promotional use or solicitation
6. does not contain abusive, profane or offensive language and complies with all applicable City policies.

Note: The City can prohibit the use of any/all of this equipment or set limitations on its usage. The use of the City's electronic communication devices is a privilege not a right that may be revoked at any time.

Inappropriate Uses of telephone, cellular phone, fax, archive system, Internet access and e-mail systems would include but are not limited to: participation in Fantasy Football, eBay (unless for City business), illegal activities, gambling, commercial activities, accessing sexually explicit or violent material, using the systems to hack or disable other systems, creation or distribution of virus or destructive programs, distributing pirated software or stolen data.

Section 24.4 Software Licenses

The City purchases software licenses for installation on all City authorized systems. Installation on systems at non-City facilities (including City staff home systems) is not permitted even if the software license allows it. Additional uses of City licenses are not allowed.

Software licenses and pertinent information should be stored and maintained in a central location for all software owned by the City.

In many cases a "license" is conveyed only by a sales receipt or paid invoice.

Section 24.5 Introduction of External Software

City staff is expressly prohibited from installing any external software (i.e. music, screen savers, wallpaper) on any City information system. Installation of new software should be done only under the authority of the designated system administrator.

External software includes commercial software, shareware, and freeware.

Section 24.6 Introduction of New Equipment

City staff should not modify, or allow to be modified, the hardware or software configuration of any computer or communications equipment except under the authority of the IT Coordinator.

This guideline is intended to include such actions as:

- Addition or removal of a modem to a computer or terminal.
- Addition or removal of any computer hardware or peripheral (laptop, printer, scanner, disk drive, tape drive, memory).
- Addition or removal of any software or software configurations.

Section 24.7 Media Contacts

Only authorized individuals should communicate to or respond to the public news media regarding City business. Data that is not public under the Government Data Practices Act should not be transmitted in clear text over the Internet.

Section 24.8 Presentation of the City

Requests for City information can become very time-consuming and expensive. The City may maintain public access points for information about the City, and for access to City records and information. These systems should be operated only by persons specifically authorized (and trained) to place or remove data on such a system. Release of data to the public in other formats should be carried out through authorized channels.

Section 24.9 Virus Scanning

Incoming messages containing file attachments may imperil City systems by importing viruses. Files or mail attachments entering the City network will always be scanned for viruses through the internal City virus protection software. However, any suspicious messages or files received, employees should always contact IT staff.

Section 24.10 Virus Containment

The City staff should notify the system administrator immediately if they suspect or confirm that their computer system has been infected with a virus. Only properly trained individuals should attempt to destroy or remove a virus.

Section 24.11 E-mail

The City authorizes and maintains e-mail and servers for staff use. These servers are all “official” publications of the City.

The content of e-mail is stored on City servers, and should be considered to be non-private in nature. System administrators may need to access materials contained in these e-mail accounts. Personal and non-governmental-related account material should not be stored on the City servers.

Section 24.12 Staff E-mail Accounts

Use of official E-mail constitutes the creation of a public document and is to be used for communications in fulfillment of the governmental mission of the City.

Section 24.13 Password Security Objectives

Password Policies: Passwords used within City Information Systems will be single user, nontrivial, hard-to-guess, non-repetitive passwords that have no direct relationship to the password user and/or creator, and which periodically expire.

Training in proper password selection, protection, and in administration password policies should be conducted with all new employees and reviewed periodically to ensure a common City standard.

Password Sharing: Passwords should not be shared across multiple users, or across multiple computer systems, unless expressly approved by the IT Division.

Password Expiration: Passwords will be changed periodically as determined by the password policy for each system--in general this will be every 180 days. On automated systems with the capability, users should receive prior notice that their password is about to expire so that they are provided ample opportunity to change their password.

Password Complexity: Passwords used should be of sufficient complexity that they are not easily guessed. This includes such characteristics as:

- Passwords should use at least five (5) alphanumeric characters, articulating a semi-pronounceable string where possible.
- Passwords should not be obviously related to the user. This includes such items as spouse, children, or pet names or nicknames, license numbers, or phone numbers.
- Good passwords can be found in the “*second member*” of a pair (aunt’s name of your favorite uncle) or in pass phrases (fasterthanaspeedingbullet or FTASB).

Password Protection: **City users should protect their passwords from any and all other individuals, and users should also respect this requirement of co-workers.**

Note: Department Director may require workers to supply them with their password to perform duties if member is absent from work location.

Suspected Disclosure: In event of a suspected disclosure of a password, that password should be immediately changed.

General “etiquette”: Responsibly For Information User

The City-authorized users should log-out of computer terminals or systems if they are going to leave the computer terminal or system unattended. City staff should be alert about their computer or terminal status and take care that unauthorized individuals cannot read or modify data through a valid system login or session. When a user prints sensitive, proprietary or otherwise controlled information, that user should retrieve the printed material in a timely manner to ensure that it is not available for unauthorized use. City staff should not make extra copies of any City or client information beyond what is required to perform official duties.

Section 24.14 Monitoring and Discipline:

It is a supervisory responsibility to oversee use and to determine if uses of electronic systems are appropriate to assigned work. Although content is not routinely monitored, it may occur internally under administrative procedures, and externally under subpoena, request for public data or other legal actions, or due to unexpected absence of an employee, or for other business or technical reasons.

Section 24.15 Reporting Problems (and Maintenance of Confidentiality):

If a City employee has knowledge of, or suspicion of a compromise or attempted compromise of City information systems, or access controls, that staff member is expected to report that knowledge or suspicion immediately upon becoming aware of the potential security problem to their supervisor or to IT staff. Such reports will be considered confidential communications akin to “whistleblower” reports, and will not result in retaliation against the reporter.

The purpose of this Guideline is to increase system integrity in City because even seemingly minor or trivial actions or changes to systems can snowball into major breakdowns.

Records Retention:

The City will establish and maintain a records retention policy consistent with Minnesota Statutes and which all City staff should receive training in and review periodically. Administration will manage overall records retention policies and each Department Director will ensure that the proper training is received for their department.

Summary:

Ultimately, responsibility for the content of a message or transmission that does not conform to these guidelines is with the individual who creates that message and sends it. The City reserves the right to treat the misuse of these resources as any other act of employment in accord with City personnel regulations.

Section 25 EMAIL MAILBOX STORAGE DEFAULTS

City email users are encouraged to clean up email in Outlook. The IT Division will aid departments or individual employees needing help to reduce the amount of email storage.

Section 26 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Each regular position employee (seasonal employees are not covered) will be offered access to an Employee Assistance Program (EAP). An EAP is a work-based intervention program designed to identify and assist employees in resolving personal problems (e.g., marital, financial or emotional problems; family issues; substance/alcohol abuse) that may be adversely affecting the employee's performance.

Adopted by the City Council of the City of Faribault on this ____ day _____, 2020.

Faribault City Council

Kevin F. Voracek
Mayor

ATTEST:

Timothy C. Murray
City Administrator