



EMPLOYEE HANDBOOK

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**CITY OF RED WING  
EMPLOYEE HANDBOOK**

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## **INTRODUCTION**

### **Purpose**

The purpose of this Employee Handbook is to establish a uniform and equitable system of personnel administration for employees of the City of Red Wing and to provide all employees notice of the City's standard practices and expectations. This Handbook serves as an information guide to help employees become better informed and to make their experience with the City more rewarding. The Handbook is not intended to cover every situation that might arise and can be amended or supplemented at any time at the sole discretion of the City. These policies supersede all previous personnel policies. All City employees are responsible for complying with this Handbook at all times.

### **Scope**

This Handbook applies to all employees of the City. Except where specifically noted, the Handbook does not apply to:

1. Elected officials
2. City Attorney
3. Members of City boards, commissions, and committees
4. Consultants and contractors
5. Volunteers

Nothing in this Handbook is intended to modify or supersede any applicable provision of state or federal law. The City will comply with all requirements of the law.

If any specific provisions of the Handbook conflict with or are otherwise inconsistent with any current union agreement, the union agreement will prevail. Union employees are encouraged to consult their collective bargaining agreement about the terms and conditions of their employment. The Handbook applies in all circumstances where there is not a direct conflict or inconsistency between the terms of the collective bargaining agreement and this Handbook.

### **Standalone Policies**

Additional reference and resources can be found in standalone policies outside of the Handbook. These include but are not limited to the

- Car Allowance
- Communications Plan & Media Guidelines
- Computer Use Policy
- Drug and Alcohol Policies
- Educational Reimbursement Policy
- Logo Guide
- Mobile Personal Use Waiver
- Residency Response Policy
- Social Media Policy
- Telework Policy
- Travel Policy
- Volunteer Policy

and any other policies and Administrative Orders that are in effect.

Departments may have special work rules deemed necessary by the supervisor and approved by the City Council Administrator for the achievement of objectives of that department. Such rules are in addition to those stated in this Handbook. In the event of a conflict between any special work rules approved by the City Council Administrator and this Handbook, the special work rules will apply. Each employee will be given a copy of such work rules by the department upon hiring, upon request, and if there are any revisions to such rules. An employee's immediate supervisor will explain the rules and discuss enforcement of the rules with the employee, as necessary.

### **Limitations**

The information in this Handbook is not intended to be and should not be construed as contract terms for any City employees. Nothing in this Handbook, or in other City policies which may be communicated to the employee, constitutes a contract of employment for any City employee. No supervisor or City representative has any authority to enter into any agreement for employment for any specific period of time or to make any agreement contrary to this provision. Except as otherwise prohibited by law or an applicable collective bargaining agreement for Union employees, all City employees are at-will employees and the City has the right to terminate the employee at any time for any or no reason. Employees may similarly resign from employment at any time for any reason.

### **Equal Employment Opportunity**

The City of Red Wing 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 Red Wing will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, or the employee's membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

### **DEFINITIONS**

The following definitions will apply throughout this Handbook, unless otherwise specified:

#### **Administrative Services**

The Administrative Services Department within the City will be referred to as Administrative Services. Directs the City's administrative services operations, including planning and developing fiscally sound human resources, information technology, and communication policies and practices. Provides direction, leadership, technical expertise, and team coordination to support the implementation of the strategic initiatives.

#### **Administrative Services Director**

The Administrative Services Director for the City of Red Wing by the City Charter directs the human resources, information technology, and communications staff and activities. Serves as the Public Information Officer. Serves as the City Council Administrator in that person's absence.

#### **City Council Administrator**

The City's Chief Executive Officer for the City of Red Wing oversees all department heads and subordinate staff. Responsible for implementation of the personnel policy, including hiring and terminations, except for the Council Officers identified in the City Charter.

**City Council Officer**

The Council shall appoint an administrative officer, a financial officer, a clerical officer, legal officer(s), a director of engineering, a chief law enforcement official, a chief fire official, an administrative services director, a community development director, a public works director, and such other officers as may be required by State or Federal law. All such officers shall be at-will employees and may be removed from office at any time by a majority vote of the entire Council or as otherwise provided herein or by State or Federal law.

**Human Resources Manager**

Manages the Human Resources staff in the Administrative Services Department. Responsible for employee relations, compensation, benefits, performance management, workers' compensation, recruiting and hiring, training, labor relations, legal compliance, and record keeping for the City.

**Public Information Officer (PIO)**

The PIO is the individual responsible for communicating with citizens and the media and coordinating with other agencies, as necessary, with incident-related information requirements.

**Department Head**

The administrative head of a department who has the authority over divisions, including supervision of employees within the department.

**Employee**

An individual who has successfully completed all stages of the City's selection and hiring process.

**Exempt Employee**

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

**Full-Time Employee**

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

**Immediate Family Member**

The employee's legal spouse (as the term is defined by the laws of the employee's state of residence), children, foster children, siblings, parents, grandparents, aunts, uncles, nephews, nieces, grandchildren or step-family members of the employee or employee's spouse; and other bona-fide (court-appointed) permanent member of the employee's household. Domestic partners are not considered eligible.

**Non-Exempt Employee**

Employees who are eligible for overtime pay under the requirements of the federal and state Fair Labor Standards Act.

**Part-Time Employee**

Employees who are required to work less than 30 hours per week year-round in an ongoing position.

**Pay Period**

A 14-day period beginning at 12 a.m. on Monday through 11:59 p.m. on Sunday, 14 days later. Administrative Services will determine the Monday that commences this 14-day period.

**Temporary/Casual/Seasonal Employee**

Employees who work in temporary positions might have a defined start and end date or may be for the duration of a specific project. Casual employees have no set hours or days of work and who is normally asked to work as and when required. Employees may work only part of the year (100 days or less) to conduct seasonal work.

**Weapons**

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

**Workweek**

A workweek is seven consecutive 24-hour periods. For most employees the workweek will run from Monday through the following Sunday, though departments may establish a different workweek based on coverage and service delivery needs with the approval of the City Council Administrator.

**Years of Service**

All continuous time that an employee has worked for the City, including authorized unpaid leave. In the event that an employee was rehired after a previous period of City employment that ended in the employee's separation, the employee's prior period of employment will not count toward the employee's years of service unless approved by the City Council Administrator.

**EMPLOYMENT TERMS*****Job Descriptions and Classifications***

The City will maintain job descriptions for each regular position. Job description will include: position title, department, supervisor's title, FLSA status (exempt or non-exempt), job summary, essential functions of the position, knowledge, skills and abilities for position, physical demands, education and certifications, supervisory responsibilities, and extent of supervisory direction or guidance provided to position.

Human Resource Manager is responsible for assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records. Supervisors and Department Heads are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions must be reviewed and approved by Administrative Services Director before becoming effective. New positions will be developed as needed and must be approved by the City Council prior to the position being filled.

A current job description will be provided to each new employee and upon request from existing employees.

***Assigning and Scheduling Work***

The employee’s supervisor is responsible for the assignment of work duties and scheduling work, subject to the approval of the Department Head.

***Layoff***

In the event it becomes necessary to reduce personnel, the following process will be followed for non-union employees, unless a different process is approved by the City Council: (1) temporary employees and those serving a probationary period in affected job classes will be terminated from employment with the City before other employees in those job classes; (2) the selection of employees to be retained will be based on merit and ability as determined by the City Council Administrator, subject to approval of the City Council; and (3) when all other considerations are equal, the principle of seniority will apply in layoffs and recall from layoffs.

**EMPLOYEE HIRING & EVALUATION**

***Selection Process***

Administrative Services Director will manage the hiring process for positions within the City. The selection process will be a cooperative effort between the Human Resource Manager and the hiring supervisor, subject to final hiring approval of the City Council Administrator. The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor with each hire subject to final City Council Administrator approval.

The final hiring decision for each position will be based on merit and fitness for the position being filled, including the candidate’s qualifications, abilities, and experience, as well as the City’s needs.

***Recruitment and Applications for Open Positions***

The Human Resource Manager will establish minimum qualifications for each open position with input from the Department Head. Administrative Services maintains the discretion to determine if a position vacancy will be filled through an open recruitment process, internal recruitment process, or some other method. The City Council will determine if the hiring of a Council Officer is internal or external. Position vacancies may be filled on an “acting” basis with approval of the City Council Administrator until a full hiring process can be completed.

The Human Resource Manager will determine what application materials are required for an open position, which may include an application form to be completed online or in hard copy and/or supplemental questionnaires to be completed after the initial application process. 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 Human Resource Manager.

To be eligible to participate in the selection process, a candidate must meet the minimum qualifications for the position as established by the candidate’s application materials, though the City may consider alternative experience if it is substantially equivalent to the qualification being required. For positions subject to internal recruitment only, the City will generally only consider an applicant who: (1) has

successfully completed the employee's initial probationary period; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the past year has been in good standing with the City. The term good standing means that the employee has not been advised by the City that his/her employment will be terminated unless he/she resigns.

### ***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 other appropriate job-related exam. Any test or exam will be reasonably related to the duties of the position for which the applicant has applied.

### ***Pre-Employment Medical Exams***

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. 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, and any offer of employment will be contingent upon successful completion of the medical exam.

When required, the medical exam will be conducted by a qualified licensed professional designated by the City, with the cost of the exam paid by the City. The professional performing the exam will notify the Human Resource Manager that a candidate either is or is not 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 Resource Manager will confer with the professional performing the exam and the candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, the candidate will be notified of this determination. Information obtained from the medical exam will be treated as private personnel data in accordance with the Minnesota Government Data Practices Act.

### ***Background Checks***

All finalists for employment with the City will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, Human Resource Manager will determine the level of background check to be conducted based on the position being filled. All offers of employment will be contingent upon successful completion of the background check. If a candidate is rejected for employment based on the results of the background check, the candidate will be notified of this determination.

### ***I-9 Immigration Reform Policy***

The Immigration Reform and Control Act of 1986 (IRCA) requires employers to hire and retain only individuals who are authorized to work in the United States. To enforce these guidelines, IRCA requires an employer to verify a potential employee's eligibility by completing the Employment Verification Form (Form I-9). By completing Form I-9, the employer is certifying that it has viewed documents proving that the potential employee is authorized to live and work in the United States. All employees are asked to provide original documents verifying their right to work in the United States and to sign a Form I-9. If an individual cannot verify his or her right to work within three days of hire, the City must terminate employment.

### ***Probationary Period***

All employees will be subject to a probationary period that will last six months from the date the employee starts in a new position with the City, whether by original hire, transfer, promotion, rehire, or demotion. The probationary period is an integral part of the hiring and evaluation process and will be used for the purpose of closely observing the employee's work and for training the employee in work expectations. During the probationary period, the employee and the supervisor should meet frequently to discuss expectations of the employee's position and the employee's performance. The probationary period may be extended with approval of the Department Head and the Administrative Services Director.

### ***Performance Reviews***

Employees will receive annual reviews for the purpose of assessing the employee's job performance using a uniform performance review system. Performance reviews will be discussed with the employee and maintained in the employee's personnel file. Employees will be asked to sign the performance review to acknowledge receipt, though failure to sign the document will not delay processing or prevent the review from being placed in the employee's file. To the extent the employee disagrees with the assessments in the review, the employee will be allowed to submit a written response, which will be attached and maintained with the performance review in the employee's personnel file.

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.

## **HOURS OF WORK**

### ***Work Hours***

Employee work schedules and opportunities to work remotely will be established by supervisors with the approval of the Department Head and Administrative Services Director. To ensure employee availability and accountability to the public the City serves, the following standards apply unless otherwise approved by the City Council Administrator:

- Employees will work at their assigned work site in a City facility.
- Employees will work a consistent schedule with their hours spread evenly across five days per week, Monday through Friday.
- Full-time employees will be at work or available to the public and co-workers during the hours of 9 a.m. to 3:30 p.m. Monday through Friday, unless away from the work site for a work-related activity or on approved leave.
- Part-time employees will maintain a work schedule within the hours of 9 a.m. to 3:30 p.m., Monday through Friday, unless away from the work site for a work-related activity or on approved leave.
- To the extent reasonably possible, all employees will maintain their work hours within the City's normal hours of operation from 8 a.m. to 4:30 p.m. Monday through Friday.

All deviations from these standards must be in accordance with the customs and business needs of the department.

All shifts changes must be pre-approved by supervisor. All part-time employees shall be scheduled such that they maintain their part-time status and may not exceed 28 hours per week including hours worked

and paid leave. Unpaid furloughs may be imposed on employees who exceed 30 hours/week. Working a shift or exceeding the number of designated number of work hours without prior approval may result in discipline, up to and including termination of employment.

***Meal Breaks and Rest Periods***

A paid 15-minute break is allowed within each 4 consecutive hours of work. An unpaid 30-minute lunch period is provided when an employee works 8 or more consecutive hours. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time or end time by saving these breaks, unless approved by the supervisor or Department Head. Employees are expected not to perform any work on behalf of the City during their break and lunch periods and are encouraged to remove themselves from their workspace to make clear to others that they are not working during these periods of time. Departments with unique job or coverage requirements may have additional rules, issued by the supervisor and subject to approval of the Department Head, on the use and timing of meal and break periods.

***Non-Exempt Employees***

Non-exempt employees are employees who are normally eligible for overtime compensation for all hours worked over 40 hours in any given workweek as set forth in the Fair Labor Standards Act (“FLSA”). Employees will be considered non-exempt employees unless determined to be exempt by Human Resource Manager in compliance with the FLSA.

Non-exempt employees are expected to work the number of hours per week as established for their position. Non-exempt employees must record hours worked and any leave time used on a daily basis and submit this information to payroll on a bi-weekly basis. Employees will be paid according to the time reported on their time sheets. Reporting false information of time worked may be cause for immediate termination.

Non-exempt employees will be compensated at the rate of time-and-one-half for hours worked over 40 hours in one workweek (“overtime hours”). Vacation, sick leave, and paid holidays do not count toward hours worked. The employee’s supervisor must approve overtime hours before the employee may work more than 40 hours in one workweek. An employee who works overtime hours without prior approval may be subject to disciplinary action.

Compensation for overtime hours will take the form of either overtime pay or compensatory time. Overtime pay will be at a rate of 1.5 times the employee’s normal hourly rate. Overtime pay will be paid on the regularly scheduled payroll date for the period in which the overtime hours were worked. All overtime hours will be compensated with overtime pay unless the employee indicates on the employee’s timesheet that overtime earned in that bi-weekly period is to be recorded as compensatory time in lieu of overtime pay.

Compensatory time is paid time off at the rate of 1.5 hours off for each one hour of overtime worked. Employees may request and use compensatory time off in the same manner as other leave requests and all compensatory time should be marked as such on time sheets when it is used. All compensatory time must be taken in the year earned and any balance will be paid out annually in the last scheduled pay period of the year. All unused compensatory time will be paid when the employee leaves City employment or changes positions within the City.

The maximum compensatory time accumulation for any employee is 60 hours per year. Once an employee has earned the maximum hours of compensatory time in a calendar year, no further compensatory time may accrue in that calendar year. All further overtime will be compensated with overtime pay.

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

### ***Exempt Employees***

Exempt employees are expected to work the hours necessary to fulfill their job duties and responsibilities and meet the performance expectations outlined by their supervisors. Generally, to meet these expectations, and for reasons of public accountability, an exempt employee will need to work at least 40 hours per week. The normal hours of business for exempt staff are Monday through Friday, 8 a.m. to 4:30 p.m., plus evening meetings and/or on-call hours, as necessary. Exempt employees do not receive extra compensation for the hours worked over 40 hours in one workweek.

Exempt employees are paid on a salary basis. This means they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the quality or quantity of work performed, and they receive their full weekly salary for any week in which any work is performed, except as set forth in this Handbook or allowed by law.

Exempt employees are required to use paid leave when on personal business or away from the office for 4 hours or more, on a given day. Absences of less than 4 hours do not require use of paid leave as it is presumed that the staff member regularly puts in work hours above and beyond the normal 8 a.m. to 4:30 p.m. Monday through Friday requirement. Exempt employees must communicate their absence to their supervisor. If an exempt employee is regularly absent from work in a manner that is excessive and not justified, the situation will be handled as a performance issue.

The City will only make deductions from the weekly salary of an exempt employee consistent with the Fair Labor Standards Act (FLSA).

## **COMPENSATION**

### ***Wages***

City employees will be compensated according to schedules adopted by the City Council or as otherwise approved by the City Council at the time of hire or on an annual basis. Employees will not receive any amount from the City in addition to the pay authorized for the positions to which they have been appointed, except in the case of approved overtime for non-exempt employees or unless otherwise approved by the City Council Administrator. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

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, Minnesota Statutes Section 13.43, specifically lists an employee's actual gross salary and salary range as public data,

Minnesota law also affords employees wage disclosure protection rights and remedies as set out in Minnesota Statutes Section 181.172. In accordance with this law, the City will 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 that 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 the Wage Disclosure Protection Law.

An employee's remedies under the Wage Disclosure Protection Law are to bring a civil action against the City and/or to file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5070 or (800) 342-5354.

### ***Paychecks***

Consistent with Minnesota Statutes Section 471.426, all employees are required to participate in direct deposit.

### ***Car Allowance***

Certain employees may, by nature of their job duties, be required to regularly use the employee's personal vehicle for City business. In such a case, the City Council Administrator may grant the employee a flat rate monthly car allowance based upon the employee's actual or reasonably anticipated regular car usage and periodically adjust the allowance as needed, not to exceed the amount set forth for the employee's position. The monthly car allowance, if any, for the City Council Administrator will be determined by the City Council. Refer to the Car Allowance Policy for details.

### ***Travel & Meal Reimbursement***

If employees are required to travel in performance of their duties as a City employee, they will receive reimbursement of necessary expenses, including for mileage, meals, and lodging. All such expenses must be approved by the employee's supervisor before it will be reimbursed to the employee. Refer to the Travel Policy for details.

### ***Memberships and Dues***

The City will pay for memberships to various professional organizations that are directly related to the betterment of the City provided funds are available, as determined by the City Council Administrator. Unless otherwise determined to be necessary by the City Council Administrator, only one membership will be allowed per professional organization. Any membership held by an individual employee will remain with the City upon the employee's separation from employment and will be transferred to another employee by the supervisor. To the extent an employee is required to maintain a certain license or certification in order to perform the employee's job duties and/or as set forth in the employee's job description, the City will pay for any renewal fees associated with such license or certification, subject to annual approval by the City Council Administrator.

## **BENEFITS**

The City provides competitive benefits coverage to eligible employees and such employees are encouraged to consider these benefits as part of their overall compensation for their City employment. In accordance with federal health care reform laws and regulations, “eligible employees,” as that term is used in this benefits policy, are those employees who work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month unless otherwise stipulated.

The benefits available to eligible employees are set out in this policy. The City may offer benefits to its employees other than those outlined in this policy at the sole discretion of the City Council. Human Resource Manager will notify employees of any changes to their benefits or their eligibility to receive certain City benefits.

### ***Health and Dental Insurance***

The City makes a monthly contribution toward group health and dental insurance for all eligible employees and their dependents in an amount and coverage type to be determined annually by the City Council.

Health and dental insurance coverage for eligible employees begins on the first day of the month following the date of hire. All necessary enrollment forms must be completed by the employee within 31 days of hire. Part-time employees who become eligible employees due to an increase in their hours for any reason will be notified by Administrative Services of when the employee’s health and dental insurance coverage will begin. Coverage is effective through the end of the month upon separation of employment. Employee contributions to a health saving account, flexible savings account and/or dependent care account stop in that calendar month.

Eligible employees have the option of waiving all pre-tax benefits. An employee who waives these benefits may not elect to receive the benefits until the next Open Enrollment Period. The only exception to this is in the case of a Change in Election Event as set forth in the applicable benefit plan and the law, which may include changes in employment or marital status, in which case any change in election must be consistent with the terms of the plan.

Health Savings Account (HSA) contribution elections can be changed at any time and for any reason. HSA contribution election changes will become effective no later than the first day of the calendar month after the change request is filed.

### ***Life Insurance***

The City provides term life insurance to employees working 20 or more hours per week in the amount of \$50,000 of coverage for non-exempt employees and \$100,000 for exempt employees. The cost of premium coverage greater than \$50,000 is taxable to the employee.

### ***Long-Term Disability***

The City provides long term disability for employees working 20 or more hours per week. For information about coverage and eligibility requirements, employees should refer to the summary plan description or contact Administrative Services.

### ***Public Employees Retirement Association***

The City participates in the Public Employees Retirement Association (PERA) to provide pension benefits for employees to help plan for a successful and secure retirement in compliance with Minnesota Statutes Chapter 353. Participation in PERA is mandatory for all City employees meeting program requirements and contributions into PERA begin immediately. The City and the employee contribute to PERA each pay period as determined by state law.

***Benefits Continuation under COBRA***

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives eligible employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City group health plan when a “qualifying event” would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee’s hours or a leave of absence; an employee’s divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage at the City’s group rates plus an administration fee. The City will provide each eligible employee with a written notice describing the employee’s rights and obligations granted under COBRA when the employee becomes eligible for such coverage under the City’s health insurance plan.

**EMPLOYEE EDUCATION & TRAINING**

The City promotes staff development as an essential, ongoing function needed to maintain and improve cost-effective and quality service to residents. The purposes for staff development are (1) to ensure that employees develop and maintain the knowledge and skills necessary for effective job performance and (2) to provide employees with an opportunity for job enrichment and mobility. The City will pay for the costs of an employee’s participation in training and attendance at professional conferences, provided that attendance serves these purposes, is approved in advance, and otherwise meets the criteria in this policy.

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

The subject matter of the training session or conference must be directly job-related and relevant to the performance of the employee’s work responsibilities. The supervisor and the Department Head are responsible for determining job-relatedness and approving or disapproving training and conference attendance. They will consider the responsibilities outlined in the employee’s job description, annual work program requirements, and training goals and objectives in determining if the request is job-related.

Courses taken by an employee in order to maintain licensing or other professional accreditation will not be eligible for payment under this policy unless the subject matter relates directly to the employee’s duties, even though the employee may be required to maintain such licensing or accreditation as a condition of employment with the City.

***Job-Related Meetings***

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

***Request for Participation in Training & Conferences***

The employee must submit a request for participation in a training session or conference in writing to the employee’s supervisor. All requests must include an estimate of the total cost, including the training

session, travel, meals, and a statement of how the education or training is related to the employee's work responsibilities with the City.

***Out of State Travel***

Employee attendance at training or conferences out of state must be approved by the Department Head and will only allowed if a related or comparable training or conference is not available locally.

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

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

The City will reimburse the employee for travel and other related training expenses consistent with the approval granted to attend the training or conference, to the extent the employee timely provides the City with necessary receipts and appropriate documentation.

**LEAVES AND ACCOMMODATIONS**

Consistent with state and federal law, the City offers employees a variety of leave options and the type of leave an employee may take will depend on the employee's circumstances at the time the employee seeks to take such leave. At times, more than one type of leave may apply to the employee's circumstances and may run concurrently as set forth in this policy.

Leave requests will be evaluated on a case-by-case basis by the employee's supervisor, the Department Head, and/or the City Council Administrator. Except as otherwise stated, all paid time off allowed under this policy 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 law even if the requirement for or circumstances of such leave are not specifically addressed in this policy.

***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
Juneteenth 2023, 2024 Only	Friday after Thanksgiving	
Independence Day	Christmas Eve Day	
	Christmas Day	

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. Except when an employee's normal workweek includes a Saturday and/or Sunday, a holiday that falls on a Sunday will be observed on the following Monday and a holiday that falls on a Saturday will be observed on the preceding Friday. For those employees whose normal workweek includes a Saturday or Sunday on which a holiday falls, the holiday

will be observed on that day. All City operations/facilities that are closed on holidays will be closed on the day the holiday is observed.

Employees will receive pay for official holidays at the employee's regular rate, provided the employee is on paid status on the last scheduled day prior to the holiday and first scheduled day immediately after the holiday. Employees working less than 40 hours will receive prorated holiday pay based on the average number of hours the employee is normally scheduled to work on the day of the week on which the holiday is observed. Any employee on a leave of absence without pay from the City is not eligible for holiday pay.

Non-exempt employees who are required by the employee's supervisor to work on a holiday will receive overtime compensation consistent with the provisions in this Handbook, except as otherwise provided in this section. Exempt employees who are required to and receive prior approval from the Department Head to work on a holiday may exchange the number of hours worked on the holiday, with a maximum of 8 hours, for the same number of hours off as holiday pay in the same pay period.

Employees also receive one floating holiday per calendar year. For new employees, the floating holiday will be prorated on a calendar year basis. The floating holiday must be taken within the calendar year or it will be lost. The floating holiday has no cash value and will not be paid out under any circumstances. The date the floating holiday is taken is subject to the supervisor's or Department Head's approval. Library employees who work on an observed holiday when the Library remains open for business will receive a floating holiday equal to the number of hours the employee works on the observed holiday, which will be subject to these same terms and conditions.

Employees wanting to observe holidays other than those officially observed by the City may request to use the employee's floating holiday, vacation leave, or unpaid leave for such time off.

### ***Sick Leave***

Sick leave is paid leave accrued by qualified employees as set forth herein that may only be used in accordance with the terms of this provision. The City will allocate sick leave as follows:

- Full-time employees will accrue sick leave at a rate of 4.62 hours per pay period, up to 1000 hours. After an accumulation of 1000 hours, employees will earn sick leave at the rate of .92 hours bi-weekly. The bi-weekly accrual that will bring an employee to 1000 hours may be less than 4.62 hours. For example, if an employee has a balance of 997.92 Sick hours, the accrual on the next payroll process will be 2.08, putting the balance at 1000. The next accrual would then be at .92 hours of sick leave. If the employee's use of sick leave causes the leave balance to drop below 1000 hours, the employee's accrual will once again be at the higher rate until such time that the employee again reaches 1000 hours.
- Part-time employees who work at least 20 hours per week on a regular basis will accrue sick 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 sick leave.
- Sick leave does not accrue for any pay period unless the employee is employed by the City on the last scheduled work day of the pay period.
- Sick leave does not accrue during an unpaid leave of absence.

Employees may only use sick leave as follows:

- When an employee is unable to perform work duties due to illness or disability, including pregnancy.
- For medical, dental, or other care provider appointments.
- When an employee has been exposed to a contagious disease of such a nature that the employee's presence at the work place could endanger the health of others.
- To care for the employee's injured or ill minor child or child under 20 years old who attends secondary school, including stepchildren or foster children, for such reasonable periods as the employee's attendance with the child may be necessary.
- To take children or other family members to a medical, dental, or other care provider appointment.
- In accordance with Minnesota Statutes Section 181.9413, for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, grandparent, stepparent, mother-in-law, father-in-law, and grandchild, including step-, biological, adopted, or foster grandchild, provided the employee has been employed with the City for at least the preceding 12 months and the use of sick time for this purpose does not exceed 160 hours in any 12-month period.
- The City will afford safety leave consistent with Minnesota Statutes Section 181.9413 provided the employee has been employed with the City for at least the preceding 12 months. Such employees are authorized to use sick leave for reasonable absences when the employee is providing or receiving assistance because the employee or a relative is a victim of sexual assault, domestic abuse, or stalking.

The following procedures apply to an employee's use of sick leave:

- The employee must communicate with the employee's immediate supervisor as soon as possible before the scheduled start of the work day for each and every day absent, providing information about the status of the illness/injury or the condition of the ill/injured relative, including any information the employee has about the likely duration of the employee's absence from work.
- For anticipated absences, such as scheduled medical appointments or procedures, the employee must provide reasonable advance notice to the employee's immediate supervisor to ensure coverage during the employee's absence.
- 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 will not be approved after an employee gives notice that the employee will be resigning from City employment, unless approved by the City Council Administrator.
- The employee must submit a statement from a qualified medical professional upon request that attests to the reason for the employee's absence. Sick leave may be denied for any employee required to provide such a statement until the statement is provided.
- On the employee's first day back at work after a sick leave absence, the City may require a statement from a qualified medical professional 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 employee's job with or without reasonable accommodation. Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision.
- 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 or an employee's ability to work. The City will arrange and pay for an appropriate medical evaluation when it is required by the City. If the employee refuses to participate in this

evaluation, the City may deny the employee's use of sick leave and/or not allow the employee to return to work until the employee complies.

- Sick leave is a privilege, not a right. Any employee who makes a false claim for sick leave will be subject to discipline up to and including termination.

After accrued sick leave has been exhausted, vacation leave may be used upon approval of the Department Head or Administrative Services Director to the extent the employee is entitled to such leave. Employees must normally use sick leave for qualified absences prior to using vacation leave or compensatory time and prior to an unpaid leave of absence during a medical leave.

Sick leave may be used in the event of a workers' compensation injury incurred during City employment with approval by the Department Head and/or City Council Administrator. Such sick leave will only be granted up to the point of maximum medical improvement and only in an amount necessary to keep the employee whole as to their base pay without any overtime or other pay.

An employee who participates in the health screening incentive program and meets the eligibility for the next year will be granted a wellness day in the first payroll of January to be used in that calendar year. Any individual who qualifies within the year will receive a prorated accrual and will then need to meet the eligibility for the next year. The wellness day is paid time off that the employee may use on a regularly scheduled workday for any reason with prior approval from the employee's supervisor. A wellness day may not be broken into hours and/or divided across multiple workdays and it must be used within the calendar year. Wellness days have no cash value and an unused wellness day will not be paid out to the employee under any circumstances.

### ***Vacation Leave***

Full-time employees will earn vacation leave in accordance with the schedule below based on the employee's years of service. 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 employees, and seasonal employees will not earn or accrue vacation leave.

<b>Years of Service</b>	<b>Bi-Weekly Accrual</b>
0-2 Years	3.08 hours
3-8 Years	4.62 hours
9-15 Years	6.46 hours
16-18 Years	6.77 hours
19-21 Years	7.08 hours
22-24 Years	7.39 hours
25+ Years	7.69 hours

Vacation leave may be used as it is earned, subject to approval by the employee's supervisor. An employee will not earn any vacation leave for any pay period unless the employee is employed by the City on the last scheduled work day of the pay period. Requests to use vacation leave must be received at least 48 hours in advance of the requested time off. This notice may be waived at the discretion of the supervisor and Department Head. Vacation leave can be requested in increments as small as a quarter of an hour up

to the total amount of the accrued leave balance. For exempt employees, the rate of vacation leave pay will be determined by dividing the employee's annual salary by 2080.

Employees may accrue vacation leave up to a maximum of two times the employee's annual accrual rate. Any vacation accrued that exceeds the maximum balance will be forfeited unless approved by the Department Head and City Council Administrator.

Except in the case of union employees, whose vacation leave terms shall be as specified in the applicable collective bargaining agreement, regular full-time employees may cash out vacation leave under the following circumstances:

- The employee has taken off a minimum of 80 hours of accrued vacation leave in the previous 12-month period. Such vacation leave must have included at least 40 consecutive hours of leave. In the event that such a vacation period included a paid holiday, and/or wellness day, the holiday will qualify as part of the required hours of leave under this provision.
- The employee must cash out a minimum of 40 hours and no more than 120 hours of accrued vacation leave.
- The employee must retain a minimum of 80 hours of accrued vacation leave following the vacation leave cash out.

Any vacation leave cash out will be at the employee's current rate of pay.

#### ***Voluntary Incentive Succession Program***

The City has established a Voluntary Incentive Succession Program to keep and retain exempt employees as long as feasible and to utilize the experience and education of these employees for as long as the City can retain them. In succession planning, the transfer of employee knowledge is critical and it is advantageous for the City to know that exempt employees are committed to long term employment with the City to ensure continuity and reliability of City services. Under this program, eligible employees commit to maintaining employment with the City for either two or three years ("commitment period"), supporting this commitment with vacation leave that cannot be used or compensated during the commitment period, in exchange for twice the amount of vacation leave added to their leave bank upon the successful completion of the commitment period.

The program shall be administered by the Administrative Services Director or designee as follows:

- An eligible employee is defined as a regular exempt employee who has passed their probationary period and is not currently enrolled in this program.
- Eligible employees who wish to participate in the program and commit to a two-year commitment period must deposit two weeks of accumulated vacation leave into a retention bank. Those eligible employees wishing to commit to a three-year commitment period must deposit three weeks of accumulated vacation leave into a retention bank. The hours in the retention bank are exempt from the accrual limits otherwise applicable to vacation leave.
- Participating employees cannot use vacation leave in the retention bank nor be compensated or otherwise receive the value of this vacation leave during their commitment period. The vacation leave deposited into the retention bank shall not be reflected in the employee's accrued leave bank during the commitment period and the employee agrees to forfeit this vacation leave to the City if the employee fails to fulfill the commitment period by leaving City employment whether by resignation or termination.

- If the employee remains employed by the City at the conclusion of the employee's commitment period, the City will deposit vacation leave into the employee's accrued leave bank at a rate of twice the amount of leave the employee originally deposited into the retention bank. Consistent with this, employees who made a two-year commitment will have four weeks of vacation leave added to their accrued leave bank at the end of their commitment period. Employees who made a three-year commitment will have six weeks of vacation leave added to their accrued leave bank at the end of their commitment period.
- Vacation leave earned by fulfilling the commitment period will be available in the pay period following the completion of the commitment period. Vacation leave earned through this program may be used or cashed out in accordance with the terms of the Vacation Leave provisions contained in this Handbook and will be exempt from cash-out limits otherwise applicable to vacation leave. **A 60 day grace period will be given in order to comply with the accrual limit.**

The City recognizes that certain unforeseen circumstances outside the control of an employee enrolled in this program may arise impacting the employee's ability to fulfill their commitment period. In the event of an enrolled employee's death during the commitment period, the vacation leave the employee deposited into the retention bank will be included in the severance amount paid in accordance with the Severance Pay provisions in this Handbook. In the event of other unforeseen circumstances impacting the employee's enrollment, such as the employee's serious medical condition or option to participate in an early retirement program, the City Council Administrator will review and address the situation on a case-by-case basis to determine the impact on the employee's program enrollment and vacation leave held in the retention bank.

### ***Voluntary Leave Share***

Leave share can help employees who face economic hardship due to a medical or family emergency that requires an employee's absence from the workplace. Employees may voluntarily donate accumulated leave to employees whose leave banks have been reduced. Leave must be donated in hourly increments, with a minimum donation of four hours. Donating employees may only reduce their accrued balances to the point where the employee's total remaining vacation and sick leave equals 520 hours. Leave shares must be approved by the Department Head and Administrative Services Director. Once a leave transfer is completed, it is irrevocable. Employees can choose to donate anonymously.

### ***Funeral Leave***

Employees will be permitted up to three consecutive working days as funeral leave upon the death of an immediate family member. Funeral leave will be paid leave deducted from the employee's sick leave balance, unless the employee has exhausted any sick leave, in which case the employee may use vacation leave, if any, or will receive unpaid leave. An employee's Department Head may approve the use of up to one day of sick leave for an employee serving as a pallbearer at a funeral for someone who is not the employee's immediate family member. The actual amount of funeral leave approved will be determined by the Department Head depending on individual circumstances.

### ***Military Leave***

State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves or on active duty. Consistent with such laws, employees called to military service 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 fifteen 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, 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 15-day paid leave of absence. Employees on extended unpaid military leave will receive fifteen days paid leave of absence in each calendar year for up to five cumulative years of active military service.

Where possible, notice is to be provided to the City at least ten working days in advance of the requested military leave. If an employee has not yet used the employee's full fifteen days of paid military 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 the period of paid leave will follow the same procedures as for any employee on an unpaid leave of absence.

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

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

### ***Jury Duty***

All City employees will be granted leaves of absence for required jury duty. Non-exempt temporary and seasonal employees are not eligible for compensation for absences due to jury duty, but will be granted unpaid leave for required jury duty. Regular full-time and part-time employees will receive their regular wages during the period they are absent for jury duty reduced by the amount of pay the employee receives for jury duty service, minus mileage reimbursement. Time spent on jury duty will not be counted as time worked in computing overtime.

Employees are required to notify their supervisor as soon as possible after receiving notice to report for jury duty. 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. 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 and promptly submitted to the City. For those employees eligible for paid leave for jury duty, the City will use the information from the clerk of court to determine the amount of compensation due to the employee for the period involved.

### ***Appearances for Legal Proceedings***

Employees will be paid their regular wages to testify in any legal proceeding in their capacity as a City employee. Any outside compensation the employee receives for such appearance, such as subpoena fees, must be turned over to the City, with the exception of mileage reimbursements.

### ***Victim or Witness Leave***

The City will grant reasonable time off to an employee who was a victim or a witness to a crime and who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony and/or to allow the employee to attend criminal proceedings related to the victim's case. The City will grant reasonable time off to an employee who is the victim of a violent crime, as that term is defined in Minnesota Statutes Section 611A.036, or whose immediate family member was the victim of a violent crime to allow the employee to attend criminal proceedings related to the victim's case. Such time may qualify as paid leave under the safety leave provisions of the sick leave policy. If not, the employee may use accrued vacation leave, if any, otherwise such leave will be unpaid.

### ***Administrative Leave***

Under certain circumstances, an employee may be placed on an administrative leave pending the outcome of an internal or external investigation at the discretion of the City Council Administrator or City Council. Such leave will be paid and will not be deducted from the employee's accrued paid leave. An employee on administrative leave must remain available to perform the employee's duties, respond to City communications, and/or participate in the investigation during the employee's normal working hours.

### ***School Conference and Activities Leave***

Any employee who works 20 hours or more may take unpaid leave for up to a total of 16 hours during any 12-month period as follows:

- To attend school conferences or classroom activities related to the employee's minor child or child who is under the age of 20 and attending secondary school, including a foster child, provided the conference or classroom activities cannot be scheduled during non-work hours.
- To attend a conference or activity related to the employee's child or foster child who receives child care or attends a prekindergarten regular or special education program, or to observe and monitor the services or program, provided the conference, activity, or observation cannot be scheduled during non-work hours.
- When the conference or activity cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide the employee's supervisor with reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the City.

Employees may choose to use vacation leave for absences under this provision, but are not required to do so.

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

Employees working an average of 20 hours or more per week will be granted paid leave to undergo medical procedures to donate bone marrow or an organ or partial organ. Such leave shall not exceed 40 total hours for procedures related to bone marrow donation or 40 hours per organ donation. This paid leave is over and above the amount of paid leave the employee has otherwise accrued. 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 granted to the employee prior to that medical determination is not forfeited.

***Elections/Voting Leave***

An employee selected to serve as an election judge pursuant to Minnesota law will be allowed time off for this purpose, provided that the employee gives the City at least 20 days’ written notice. This written notice must be accompanied by a certification from the appointing authority stating the hourly compensation to be paid to the employee for service as an election judge and the hours during which the employee will serve. For the period during which the employee is absent from City employment to serve as an election judge, the City will reduce the employee’s salary or wages by the amount paid to the employee by the appointing authority.

All employees eligible to vote in an election will be allowed time off with pay to vote on election day. Elections covered by this allowance are any regularly scheduled election, an election to fill a vacancy in the office of United States senator or United States representative, an election to fill a vacancy in nomination for a constitutional office, an election to fill a vacancy in the office of state senator or state representative, or a presidential nomination primary. Employees wanting to take paid leave to vote must work with their supervisor to avoid coverage issues.

***Volunteer Leave***

The City encourages its employees to get involved in community and civic organizations of a volunteer nature and recognizes that, at times, such activities may conflict with the employee’s job responsibilities or work schedule. When properly requested, employees may use vacation time or other authorized leave with or without pay to engage in volunteer activities.

***Family and Medical Leave***

Consistent with the requirements of the Family Medical Leave Act and Minnesota parenting leave laws, the City will provide employees family and medical leave as set forth herein.

**Definitions**

The following definitions shall apply for the purposes of this section only.

A. “Covered active duty” means:

1. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

B. “Covered servicemember” means:

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

2. a covered 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, and was discharged or released under conditions other than dishonorable, at any time during the period of five years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.
- C. “Eligible employee” means an employee who has been employed by the City for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee’s pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee’s fulfillment of the employee’s USERRA-covered service obligation or otherwise approved by the Council Administrator.
- D. “Military caregiver leave” means leave taken to care for a covered servicemember with a serious injury or illness.
- E. “Next of kin of a covered servicemember” means 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 covered 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 the employee 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.
- F. “Outpatient status” means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
1. a military medical treatment facility as an outpatient; or
  2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- G. “Qualifying exigency” means a situation where the eligible employee seeks leave for one or more of the following reasons:

1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
2. to attend military events and related activities of a covered military member;
3. to address issues related to childcare and school activities of a covered military member's child;
4. to address financial and legal arrangements for a covered military member;
5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
6. to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
7. to attend post-deployment activities related to a covered military member;
8. to address parental care needs; and
9. to address other events related to a covered military member that both the employee and the City agree is a qualifying exigency.

H. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. inpatient care in a hospital, hospice, or residential medical care facility; or
2. continuing treatment by a health care provider.

I. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.

J. "Veteran" has the meaning given in 38 U.S.C. § 101.

### Leave Entitlement

#### A. Twelve-week FMLA Leave

1. Eligible employees are entitled to a total of 12 workweeks of unpaid family or medical leave ("FMLA leave") during any 12-month period calculated based on a rolling backward basis,

plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:

- a. birth of the employee's child and to care for such child;
  - b. placement of an adopted or foster child with the employee;
  - c. to care for the employee's spouse, son, daughter, or parent with a serious health condition;
  - d. the employee's serious health condition makes the employee unable to perform the functions of the employee's job; and/or
  - e. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
2. An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
  3. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
  4. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
    - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the 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
    - b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:
      - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

- ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
  - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- 5. Eligible spouses employed by the City are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the City does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee's own serious health condition; or pursuant to Paragraph A.1.e. above.
- 6. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the City or when documented in the medical certification form as medically necessary. Part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. 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. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the City may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
- 7. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances. 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. 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.

8. If the City has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the City's expense. If the opinions of the first and second health care providers differ, the City may require certification from a third health care provider at the City's expense.
9. Requests for leave shall be made to the employee's Department Head. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable notice to the City of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. If 30 days' notice cannot be given, the employee is required to give as much notice as practicable, including following required call-in procedures. The City requires an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The failure to provide the required notice or status updates may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as to not unduly disrupt the operations of the City, subject to and in coordination with the health care provider.
10. The City may require that a request for leave under Paragraph A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the City may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
11. During the period of a leave permitted under this policy, the City will provide health insurance under its group health plan on the same basis as coverage would have been provided had the employee not taken the leave. 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. An employee's failure to make necessary and timely contributions may result in termination of coverage. 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. An employee who does not return to work after the leave may be required, in some situations, to reimburse the City for the cost of the health plan premiums paid by it.
12. Any paid disability leave benefits, sick leave, or compensatory time off available to employees for an applicable reason will run concurrently with FMLA. Employees are required to use any qualifying paid leave during FMLA leave, except that an employee may retain a balance of 40 hours of sick leave at the employee's election. Additionally, pregnancy and parenting leave required under Minnesota law and outlined below will run concurrently with FMLA leave.
13. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater

right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

14. When leave is due to an employee's own serious health condition, a fitness for duty certification (FFD) may 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 FMLA. If an employee is using intermittent leave and reasonable safety concerns exist regarding the employee's ability to perform the employee's duties, an FFD certificate may be required as frequently as every 30 days during periods when the employee has used intermittent leave. Recertification of leave may be required if the employee requests an extension of the original length approved by the City or if the circumstances regarding the leave have changed. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

#### B. Twelve-week Pregnancy and Parenting Leave under State Law

1. In accordance with the Minnesota Pregnancy and Parental Leave Law, the City provides a biological or adoptive parent with up to twelve weeks of unpaid leave in conjunction with the birth or adoption of a child ("parenting leave"). This leave can also be used by pregnant employees for prenatal care, incapacity due to pregnancy, childbirth, or related health conditions.
2. The employee must have worked for the City for at least 12 months preceding the request and for an average number of hours per week equal to one-half the full-time equivalent position in the employee's job classification during the 12-month period immediately preceding the leave. The length of the leave shall be determined by the employee, but must not exceed 12 weeks, unless agreed to by the City.
3. An employee must request a leave in writing and submit it to the employee's Department Head at least 30 days prior to the leave. The written request must include the date the leave will commence and the estimated duration of the leave. The leave taken under this section shall begin at a time requested by the employee. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption, or within 12 months after the child leaves the hospital, if the child remains in the hospital longer than the birthing parent.
4. This leave is separate and exclusive of the FMLA leave described in the preceding paragraphs; however, this leave must be reduced by any period of leave taken for the same purpose under the FMLA. In addition, this leave must be reduced by any paid sick or vacation leave so that the total leave does not exceed 12 weeks, unless agreed to by the City. Employees are required to use any qualifying paid leave during parenting leave, except that an employee may retain a balance of 40 hours of sick leave at the employee's election.
5. An employee who receives group insurance coverage may retain the same insurance that applied before the leave commenced, but the employee will be responsible for the entire premium unless otherwise provided in this policy. For employees on FMLA leave as well, the

City will continue to make its regular contributions toward health insurance benefits during the FMLA leave period as outlined in this policy. Arrangements for payment of the employee's premium payments must be made by the employee with the City. An employee's failure to make necessary and timely contributions may result in termination of coverage.

6. An employee returning from a leave will be restored to the employee's prior position or to a position of comparable duties, number of hours, and pay. The City cannot guarantee that an employee will be returned to the employee's prior position. The City will determine whether a position is a comparable position.
7. If an employee's return to work date changes, the employee must notify the City of the changed date a reasonable amount of time before the original return to work date.

#### C. Twenty-six-week Servicemember Family Military Leave under FMLA

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember ("servicemember family leave"). The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined total of 26 workweeks of leave of FMLA leave, described above, and servicemember family leave.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
4. Eligible spouses employed by the City are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.
5. Employees are required to use any qualifying accrued paid leave during servicemember family leave.
6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
7. The provisions of Paragraphs A.6, A.9, A.11, A.12, and A.13. of the FMLA provisions above shall apply to leaves under this section.

#### Failure to Return to Work

Under certain circumstances, if the employee does not return to work at the end of leave, the City may require the employee to repay the portion of the monthly cost paid by the City for group health insurance benefits and/or to repay any amounts the City paid on the employee's behalf to maintain other benefits. If an employee does not return to work following the unpaid leave, the employee's COBRA rights and eligibility may be affected.

#### Activities Prohibited While on Family or Medical Leave

While on leave, an employee may not engage in activities, including paid employment, which have the same or similar requirements and essential functions of an employee's current position. While on leave, an employee may not engage in any activity that conflicts with the best interests of the City or that would otherwise violate the rules regarding outside employment. Such conduct will result in disciplinary action up to and including termination of employment.

#### ***Unpaid Leave***

The City may authorize unpaid leave that falls outside of parenting leave, FMLA leave, or servicemember family leave, subject to the terms of this provision. The Department Head may grant leave without pay for one day or less to attend to essential personal affairs. The City Council Administrator must approve all unpaid leaves that are greater than one day.

All accrued vacation leave and compensatory time must normally be used before an unpaid leave of absence will be approved, though an employee need not have used all accrued sick leave unless the requested unpaid leave is for medical reasons. Unpaid leave for purposes other than medical reasons or work-related injuries will be at the convenience of the City. The amount of 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 seeking an unpaid leave for medical reasons 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. Such employees must keep in regular contact with the Human Resource Manager regarding the status of their medical condition and anticipated return to work date and must provide an expected return date at least one week before the end of the employee's leave.

An employee on unpaid leave will not earn benefits during the period of leave, except as specifically allowed herein. Employees on unpaid leave may be subject to COBRA notice and continuation benefits and it will be solely the employee's responsibility to pay for COBRA coverage. If an employee is on an unpaid leave and is not working any hours, the employee will not accrue any paid leave and will not be paid for any holidays that fall during the leave period. If an employee on unpaid leave is working reduced hours, the employee will receive holiday pay on a prorated basis and will accrue sick leave and vacation leave based on actual hours worked. Unpaid leave hours will not count toward seniority.

Employees returning from unpaid leave will be guaranteed return to the employee's original position only for absences of 30 calendar days or less. Employees on unpaid leave in excess of 30 calendar days are not guaranteed return to their original position, except as otherwise required by law. If the employee's original position or a position of similar or lesser status is available, it may be offered to the employee returning from unpaid leave at the discretion of the City Council Administrator. An employee's failure to keep in touch with the Human Resource Manager during unpaid leave, failure to advise management of the employee's availability to return to work, or failure to return to work following leave will be considered a voluntary resignation of employment.

### ***Reasonable Accommodations for Employees with Disabilities***

The City will comply with all state and federal laws in providing reasonable accommodations for qualified employees and applicants with disabilities. All such accommodations will be overseen by the Administrative Services.

A disability is a physical or mental impairment that substantially limits one or more major life activities such as seeing, hearing, walking, learning, or self-care. An employee's disability need not be readily apparent to others to qualify for reasonable accommodations. The City will provide such accommodations when it has reasonable notice of the employee's disability.

An employee experiencing or anticipating disability-related work barriers should notify the employee's the Department Head of such barriers and the underlying disability as soon as possible to initiate the process of identifying reasonable accommodations. Even if an employee with a disability does not request an accommodation, the City may initiate this process if the City recognizes the possible need for a disability-related accommodation. The City may request medical documentation of the disability that addresses how the condition impacts the employee in the employee's work environment. This documentation will be used to better understand the employee's condition, identify impacts in a work setting, and make informed decisions to determine reasonable and appropriate accommodations.

The employee's supervisor and/or Department Head, Human Resource Manager, and the employee will use an interactive process to identify whether there are reasonable accommodations available, what those accommodations are, and how accommodations will be implemented. An accommodation is a modification that is made to the employee's job duties, activities, or work site that eliminates or minimizes disability-related barriers to allow equitable access and to allow the employee to perform the employee's job.

There is often more than one way to accommodate a situation or activity. In order for an accommodation to be considered reasonable, however, it must not cause an undue burden to the City. An undue burden arises when the accommodation:

- Compromises essential requirements of a job, activity, or facility;
- Causes an undue administrative or financial hardship;
- Compromises safety of the employee or others; or
- Fundamentally alters an essential job duty.

The type of accommodations that are considered reasonable will vary and each accommodation plan will be tailored to the individual employee and the employee's job duties. Some common types of accommodations include:

- Modification of work schedules.
- Granting breaks or providing a leave of absence.
- Altering how, where, or when job duties are performed.
- Removing and/or substituting a nonessential or marginal job function.
- Providing assistive technology, including information technology and communication equipment, specially designed furniture, or modified tools.
- Removing an architectural barrier, including reconfiguring work spaces.
- Providing accessible parking.

- Providing job reassignment into a comparable available position.

The employee is not entitled to an accommodation requested if there are other reasonable alternatives.

Any reasonable accommodations provided to an employee will be documented and shared with supervisors and City employees who have a need to know the information. The accommodations may be periodically evaluated to ensure they remain reasonable and appropriate.

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

This policy is to establish guidelines for temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is not generally considered to be a reasonable accommodation because it is a change to the essential responsibilities of the employee's position. This policy does not guarantee assignment to light duty, but sets out the procedures for making such assignments.

An employee who would like to be considered for a light duty assignment because the employee is unable to perform the essential requirements of the employee's job due to a temporary disability must request a light duty assignment in writing directed to the employee's supervisor. The request must be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The request 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. Upon receipt of the written request, the supervisor will forward a copy of the report to the Department Head and Human Resource Manager. 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 Department Head and Human Resource Manager whether to assign light duty work to the employee.

Within the discretion of the Department Head and Human Resource Manager, the City may offer a light duty assignment to an employee who is out on workers' compensation leave even if the employee does not request such an assignment. The employee may be subject to penalties if the employee refuses a light duty assignment. The City will not, however, require an employee who is otherwise qualified for protection under the FMLA to accept a light duty assignment.

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

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

The City will provide accommodations for pregnant employees consistent with Minnesota Statutes Section 181.9414, as amended. The City will provide a pregnant employee who requests accommodations with the following for health conditions related to pregnancy or childbirth:

- More frequent restroom, food, and water breaks;
- Seating; and/or
- Limits on lifting over 20 pounds.

If the pregnant employee requests other accommodations, the City and the employee will follow the interactive process and other procedures described in the Reasonable Accommodations for Disabled

Employees policy above to assess reasonable accommodations.

***Reasonable Unpaid Work Time for Nursing Employees***

The City will provide reasonable unpaid break time for a nursing employee to express milk for the employee's child for one year after the child's birth. The City will provide a private location, other than a bathroom, for this purpose. To the extent reasonably possible, the location will be in close proximity to the employee's work area, shielded from view and free from intrusion from coworkers and the public, and include access to an electrical outlet.

***Adverse Weather Conditions***

City facilities will generally remain open in adverse weather during normal business hours. Each employee will have to evaluate the weather and road conditions based on individual circumstances in deciding whether to report to or remain at work. Exempt employees not at work during their normal hours because of adverse weather will not normally have their pay reduced as a result of this absence, but may be required to use vacation leave for such absences. Non-exempt employees will be allowed to use accrued vacation leave or compensatory time or, with supervisor approval, may modify the work schedule or make other reasonable schedule adjustments. Sworn police officers, firefighter/paramedics and public works maintenance employees will generally be required to report to work regardless of conditions. Decisions to cancel departmental programs will be made by the Department Head or the City Council Administrator.

**SEPARATION FROM SERVICE**

***Resignations***

Employees wishing to leave City employment in good standing must provide a written resignation notice to the employee's supervisor that meets the minimum notice period for their position. For non-exempt employees, the minimum notice period is 10 working days before the employee's last day working for the City. For exempt employees, the minimum notice period is 30 calendar days before the employee's last day working for the City. The written resignation notice must state the effective date of the employee's resignation. The employee must work all scheduled working days during the notice period and cannot use accrued leave during this period unless specifically approved by the Administrative Services Director. Failure to comply with the notice procedure may be cause for denying the employee severance pay and any future employment with the City.

Unauthorized absences from work for a period of three consecutive workdays may be considered a resignation not in good standing.

***Severance Pay***

Except in the case of union employees, whose severance pay terms, if any, shall be as specified in the applicable collective bargaining agreement, an employee leaving City employment will only be afforded severance pay consistent with this policy unless alternative severance pay is authorized by the City Council Administrator.

Employees who leave City employment in good standing will receive severance pay as follows:

- All of the employee’s unused vacation leave will be paid out in the form of a taxable cash payment and/or a deposit into the employee’s Voluntary Employee Benefit Association (VEBA) based on the employee’s years of service as set forth in the chart below.
- **Non-Exempt Employees:** One third of the employee’s unused sick leave up to 1,000 hours and one half of the employee’s unused sick leave in excess of 1,000 hours will be paid out in the form of a taxable cash payment and/or a deposit into the employee’s Voluntary Employee Benefit Association (VEBA) based on the employee’s years of service as set forth below.
- **Exempt Employees:** One half of the employees unused sick leave up to 1000 hours and one half half of the employee’s unused sick leave in excess of 1,000 hours will be paid out in the form of a taxable cash payment and/or a deposit into the employee’s Voluntary Employee Benefit Association (VEBA) based on the employee’s years of service as set forth below.

<b>Years of Service</b>	<b>Cash Payout</b>	<b>VEBA Deposit</b>
0-4	100%	0%
5-9	75%	25%
10-14	50%	50%
15 or more	0%	100%

Employees who are involuntarily laid off shall receive severance pay equal to all of the employee’s unused vacation leave and one third of the employee’s unused sick leave if non-exempt and one half if exempt. These amounts will be split equally between a taxable cash payment and a deposit into the employee’s VEBA.

In the case of death of an employee, the employee’s estate shall receive severance pay equal to all of the employee’s unused vacation leave and one third of the employee’s unused sick leave if non-exempt and one half if exempt.

All leave hours provided as severance pay will be paid at the employee’s normal rate of pay at the time of the separation.

Employees who are terminated or resign from City employment not in good standing are not entitled to any severance pay and will not be compensated for any unused sick or vacation leave.

***Name-Clearing Hearings***

An employee who has been terminated from City employment may have the right to a name-clearing hearing before the City Council if the termination was for stigmatizing reasons. An employee desiring such a hearing shall notify the City Council Administrator of the request for a name-clearing hearing. Thereafter, the City shall determine whether the terminated employee has a right to such a hearing in accordance with the law and, if so, will schedule a hearing before the City Council, providing the terminated employee with reasonable notice of the time and place of the hearing.

**EMPLOYEE DATA**

Employee information is maintained in a location designated by the City Council Administrator. Personnel data are retained in personnel files, finance files, and benefit/medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports,

document employee performance, and for other reasons related to the employee's work for the City. Employees have the right to know what data is retained, where it is kept, and how it is used. All personnel data will be received, retained, and disclosed according to the Minnesota Government Data Practices Act.

Employees are responsible for providing timely notice to Administrative Services of any change in personal information that may impact the employee's paycheck, benefits, or tax documentation, including changes in name, address, phone number, number or names of beneficiaries, marital status, and withholdings.

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

The following provisions set forth the rules and expectations for all City employees. These rules are not necessarily exhaustive and additional requirements and expectations may be set by City policy, supervisors, Department Heads, and/or the City Council Administrator.

### ***Basic Expectations for Employee Conduct***

By accepting City employment, employees assume the responsibilities of being representatives of the City and for assisting and serving the citizens for whom they work. Employees must, at all times, act in a manner that is ethical, professional, responsive, and in keeping with 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. This includes adhering to the following basic expectations:

- Perform assigned duties to the best of the employee's 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 this Handbook as well as any departmental rules.
- 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 the employee's supervisor.

### ***Attendance & Absences***

Prompt, consistent, and reliable attendance from all employees is essential to the City's operations and standards of service and necessary for each department to operate efficiently and effectively. Such attendance is an essential function of every City position. All employees are required to be present at work unless valid reasons warrant absence, the employee is on an approved leave, or the employee has received approval to work remotely.

Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence and in compliance with the applicable leave provisions, as set forth above. In the event of an unexpected absence, employees should call their supervisor before the employee's scheduled starting time and adhere to the following procedures:

- If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where the employee can be reached and/or contact any other individual the supervisor has designated to receive such reports.
- Failure to use the established reporting process will be grounds for disciplinary action.

- The employee must call the supervisor or the supervisor's designee on each day of the absence extending beyond one day unless other arrangements have been made with the supervisor.
- Notice of an unexpected absence must be made by phone call, not via email, text message, or other means, though employees are encouraged to follow up in writing to document that they complied with the notice requirements set forth in this section.

Individual departments may establish more specific reporting procedures. The City, in its sole discretion, may waive any of these requirements in the event of extenuating circumstances.

Employees who are absent for 3 days without reporting the absences in accordance with this policy will be considered to have voluntarily resigned not in good standing.

### ***Appearance***

Employees should dress for work in a manner that is appropriate to the nature of the employee's work and contacts with other people and that presents a positive image to the public. Dress needs vary by position, duties, and activities of the day; employees should ensure that their personal appearance is professional at all times. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Departments may establish dress codes for employees as part of departmental rules. Employees may dress in accordance with their gender identity, within the constraints of this policy and any dress code adopted for the employee's department.

Employees who have City-issued uniforms or who are required or choose to wear clothing that identifies them as a City employee must not wear such uniforms or clothing when not performing work on behalf of the City unless authorized by the Department Head or City Council Administrator.

### ***Access to Gender-Segregated Facilities***

The City maintains separate restroom and/or changing facilities for male and female employees and an employee may access such gender-segregated facilities based on the employee's gender identity, regardless of the employee's sex at birth. No employee may prohibit, attempt to prohibit, or otherwise interfere with another individual's use of gender-segregated facilities that are consistent with that individual's gender identity.

Any employee who is uncomfortable using a shared gender-segregated facility, regardless of the reason, will, upon the employee's request, be provided with a reasonably available appropriate alternative. No City employee may require another individual to use separate bathroom or changing facilities in lieu of otherwise available shared gender-segregated facilities due to that individual's gender identity.

### ***City-Issued Property***

Any employee who has authorized possession of keys, tools, cell phones, pagers, or other City-issued equipment or property is subject to the following requirements:

- The employee must register the employee's name and identifying information about the property, such as a serial number, with the employee's supervisor.
- Employees may not use any City-issued equipment for personal use unless authorized by the employee's supervisor or by City policy.

- Employees are responsible for the safekeeping and care of all City-issued property. If any City-issued property is lost, damaged, or destroyed, the employee must promptly report this to the employee's supervisor.
- Employees must not use their keys to access any City facility except as necessary to perform the duties of their position. The duplication of keys owned by the City is prohibited unless authorized by the City Council Administrator.
- All City-issued property must be turned in and accounted for by any employee leaving City employment in order for the employee to resign in good standing.

### ***Conflicts of Interest & Gifts***

Employees must refrain from engaging in any action or from participating in any decision where the employee has a conflict of interest or where the employee's involvement in such action or decision might reasonably result in the appearance of impropriety. A conflict of interest may arise in situations including, but not limited to, when an action or decision could result in a personal benefit to the employee or a family member of the employee and/or when the employee's personal interests might unduly impact or influence the employee's actions or decision making in the course and scope of the employee's position with the City.

To avoid conflicts of interest or the appearance of impropriety, employees must not accept gifts in anyway related to their work for the City, except as follows:

- Lawful campaign contributions.
- Services to assist the employee in the performance of official duties.
- Services of insignificant monetary value.
- A plaque or similar memento given in recognition of individual services in a field of specialty or to a charitable cause.
- A trinket or memento costing \$5 or less.
- Informational material of unexceptional value.
- Food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program.
- Food or beverage given to national or multistate conference attendees at a reception or meal when the majority of dues paid to the national or multistate organization of governmental organizations or public officials is paid from public funds and an equivalent gift is given or offered to all other attendees.
- Any other gift approved by the City Council Administrator prior to the employee's receipt of the gift, subject to the requirements of Minnesota Statutes Section 471.895.

Gifts include money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the individual or entity giving such item receiving compensation of equal or greater value in return.

If an employee has any question about whether a conflict exists, whether the employee's personal interests might impact public perception of a City action or decision, and/or whether the employee may accept an item or service that may constitute a gift, the employee should consult with the Council Administrator.

### ***Public Communications***

All City employees have a responsibility to ensure timely and appropriate communications with the public that do not exceed the course and scope of the employee's duties and that comply with the Minnesota Government Data Practices Act. To ensure timely and appropriate City communications, employees must adhere to the following requirements:

- No employee is authorized to speak on behalf of the City without prior authorization from the City Council Administrator or Public Information Officer. Any employee so authorized must adhere to the standards set by the Public Information Officer for such communications.
- Employees must promptly route all requests for information to the Administrative Services Director or other proper department, except when the request is for basic information readily available to the public or information classified as public data under the Minnesota Government Data Practices Act that is directly related to the employee's duties for the City and delivery of service to the public.
- All media requests, except those for basic information readily available to the public, should be directed to the Public Information Officer.
- All requests pursuant to the Minnesota Government Data Practices Act must promptly be routed to the City Clerk's office.
- Employees must not disclose information that is classified as private, confidential, or non-public data under the Minnesota Government Data Practices Act to anyone except City employees who have a need to know the information to perform their job duties or to a non-employee or member of the public only when expressly authorized to do so by the Council Administrator.
- Any employee who identifies a mistake in information provided by the City to the public should promptly inform the Public Information Officer.
- Employees must comply with all laws related to trademark, copyright, software use, and other intellectual property rights of others when engaging in communication in their role as a City employee.

Employees must be respectful, professional, and truthful when providing information to the public as set forth in the Communications policy.

### ***Falsification of Information***

Employees must, at all times, act with honesty and in good faith in all statements and documentation the employee makes in their role as a City employee. Any employee who knowingly or recklessly makes a false statement or falsifies or attempts to falsify records or who commits or attempts to commit fraud in any way related to their City employment will be in violation of this policy and may be subject to criminal prosecution.

### ***Recording Devices***

The City respects the privacy of its employees. While acting as an employee of the City of Red Wing, you must not record data on a recording device (for example, cell phone) for purposes outside or beyond the duties of your employment. Any data that is created while performing your duties shall be considered the property of the City of Red Wing and collected, preserved, and protected according to City Policy and state law.

### ***Reporting Violations or Dishonest Conduct***

Employees who have knowledge or a good faith belief that another employee is engaging, has engaged, or intends to engage in illegal or dishonest conduct in the course and scope of that employee's work for the City or who has otherwise acted in or intends to act in violation of City rules, policy, or reasonable expectations should report this information to their immediate supervisor, Department Head, or Administrative Services Director. In most cases, the reporting employee is not responsible for investigating the activity or for determining fault or corrective measures; such responsibility will be determined by appropriate City personnel after receiving the report. The reporting employee must exercise sound judgment to avoid baseless allegations. It shall be a violation of this policy to knowingly or recklessly make a false report of wrongdoing.

The City will take reasonable measures to protect an employee making a good faith report of wrongdoing from retaliation, including any adverse employment action resulting from the employee's report, and will comply with all laws providing such employees protection. The City will also take reasonable measures to protect any employee who serves as a witness or participates in an investigation from retaliation for such activity. Due to the City's obligations under the Minnesota Government Data Practices Act, due process requirements, and other requirements under the law, the City cannot guarantee the confidentiality of employees who make reports or provide information, but will take reasonable measures to protect the identity of such individuals from disclosure beyond those who have a need or legal right to know such information.

The City will not tolerate retaliation in any form by any employee against another person due to that person's actual or perceived involvement in a report or investigation. Any employee who believes they are being or have been subject to retaliation should promptly report such concerns to the Administrative Services Director.

### ***Outside Employment***

Employees should regard the City as their primary employment responsibility. Employees are not permitted to engage in outside employment that creates either the appearance of or the potential for a conflict with the employee's duties for the City or the development, administration, or implementation of policies, programs, services, or any other operational aspect of the City. 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, holding a political office, or an appointment to a government board or commission that is compatible with City employment.

Employees must report all outside employment to the employee's immediate supervisor, identifying the outside employer, the employee's position and duties for the outside employer, and the employee's anticipated work hours for the outside employer. If there are any changes in outside employment, including changes to the outside employer or the employee's position, the employee must promptly notify the employee's immediate supervisor. Based on this information, the employee's supervisor will consider when a conflict exists. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the Department Head and Administrative Services Director.

The following minimum standards will apply to employees engaging in outside employment and any violation of or conflict with these standards will demonstrate a conflict between the outside employment and the employee's City position:

- 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 the employee's position.
- The employee must not use City equipment, resources, or staff in the course of the outside employment.
- The employee must not violate any provision of this Handbook or other City personnel policies as a result of outside employment.
- The employee must not receive compensation from an outside employer for services performed during paid work time for the City. Engaging in outside employment while on approved vacation leave or compensatory time from the City is allowed unless that outside employment otherwise violates this policy.
- No employee may engage in outside employment 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 Council Administrator.

If an employee's outside employment is determined by the Administrative Services Director to be in conflict with the employee's City employment, the employee will be required to resign from the outside employment or may be subject to termination or other discipline.

### ***Personal Activities***

Employees should not engage in personal communications or other personal business during paid work time, whether in person or via phone call, text message, social media, email, or any other communication tool. Exceptions to this policy will be made only in the event of an emergency, as determined by the employee's supervisor, in which case the employee may place a call or use other means of communication for the limited purpose of addressing the emergency, provided such communications are expedient and do not interfere with City operations. Employees may be prohibited from carrying a personal cellphone or similar device during their work hours, at the discretion of the employee's supervisor. Employees may engage in personal communications or business during their break periods consistent with all applicable policies.

Employees are encouraged to use personal devices and resources for all personal activities. Employees may engage in personal communications or business using City-owned technology and resources in a reasonable and prudent manner, meaning in a manner that complies with the following standards:

- The activity does not interfere in any way with the employee's or any other employee's work.
- The activity does not result in anything more than a de minimis expense to the City or depletion of City resources. If the expense to the City or depletion of City resources exceeds this low threshold, the City will require reimbursement by the employee.
- The activity is not done in furtherance of outside employment or for personal profit, business interests, or political activity.
- The activity is not inappropriate, illegal, or in violation of any City expectation, directive, or policy, including the City's Internet and E-mail Usage Policy or Social Media Policy.
- The activity is not excessive in frequency or total time.

The use of City-issued mobile devices may be subject to other City policy, such as the City's Cell Phone Policy, administrative orders, and/or other terms agreed to by the employee related to the use of such mobile devices, which shall control in the event of an inconsistency or conflict with the provisions in this Handbook provision.

Employees are advised that they have no reasonable expectation of privacy to personal communications or activities completed using City-owned technology or resources and any data created, maintained, stored, or received using such resources may be subject to disclosure under the Minnesota Government Data Practices Act.

Employees must be cognizant of the fact that their personal communications may reflect on the City and/or impact their relationships with coworkers or ability to fulfill their job duties no matter when the employee engages in such communications. This is true whether an employee's communications are of a public nature, such as on social media or in letters to the editor, or in private communications, such as email or text message, that can be readily shared with others. Employees shall not engage in any of the following conduct in personal communications:

- Sharing material that is, or might reasonably be construed as, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, or otherwise unlawful towards another employee.
- Sharing material that is or might reasonably be construed as defamatory, obscene, or pornographic; solicits or promotes illegal drugs or criminal activity; infringes a copyright or trademark; or violates any federal law, state law, or local ordinance.
- Without prior authorization, stating or implying that the employee is speaking for, or on behalf of, the City or is authorized to do so, or giving the impression that the views the employee expresses are those of the City. When a reasonable person would question whether the employee is acting as a private citizen or as a public employee, the employee is strongly encouraged to provide a disclaimer to eliminate any confusion, stating that any opinions and views are the employee's own and not those of the City and do not necessarily reflect those of the City.
- Using a City e-mail address or any City, department, or government logo, brand, insignia, or other City identifier.
- Using the identity or likeness of another City employee or official.
- Using or disclosing any private, non-public, or confidential information or data maintained by the City or obtained in the employee's capacity as a City employee, including any private or

confidential personnel data on other employees. Removing names and other identifying information is insufficient if any member of the community could still identify the employee. For the same reason, posting or otherwise publishing “fictional” information about situations that parallel an actual situation involving employees is prohibited. Employees are also prohibited from using such data in a manner that could cause harm or damage to the City or its reputation or that could bring it into dispute.

- Sharing any floor plans or blueprints of City buildings, any emergency response plans, or any other data that, if disclosed, could jeopardize the security or safety of the public or City employees.

Employees should refer to the City’s Internet and E-mail Usage Policy and Social Media Policy for more information and are expected to fully comply with the provisions of those policies.

### ***Email***

Emails that constitute an official record of City business must be kept in accordance with the City’s Records Retention Schedule and thus should be transferred to a folder in Laserfiche where they will not be deleted pursuant to the two-year email retention policy. Most emails, however, will not constitute an “official record,” as that term is generally defined as information pertaining to an official decision, such as decisions made by the Council or a Department Head. Emails relating to the process by which an official decision was reached are not official records; only those records that document the official decision must be retained pursuant to the Records Retention Schedule. If staff are unsure whether an email is an official record for purposes of records retention laws, check with your supervisor.

### ***Microsoft O365 Data***

Microsoft O365 data (SharePoint, Teams, OneDrive, Groups, Public Folders, etc.) that constitute an official record of City business must be kept per the City’s Records Retention Schedule and transferred to a folder in Laserfiche where they are retained under the two-year Microsoft O365 data policy. Microsoft O365 data relating to the process by which an official decision was reached are not official records; only those records that document the official decision must be retained under the Records Retention Schedule. If staff are unsure whether Microsoft O365 data is an official record for purposes of records retention laws, check with your supervisor.

### ***Political Activity***

City employees have the right to express their views and to pursue involvement in the political system during non-work time. City e-mail accounts shall not be used for campaigning. No employee shall seek signatures to any petition, nor act as a worker, nor distribute or wear badges, pamphlets or handbills of any kind which make political, moral or religious statements; solicit contributions, donations of money or time favoring or opposing any candidate for election or nomination to a public office, on behalf of or in opposition to any political party or ballot referendum question, or other political cause while on duty or in official City uniform, unless such activity is in accordance with official City policy and approved by City Council.

Non-public co-worker political discussions are allowed but must be done as to not disturb work time and will be discontinued immediately if the work environment is hampered in any way. Employees must not use their official titles and positions for political purposes or to endorse or imply any City endorsement. In no event will City property, City e-mail, or on duty time be used to advance or oppose any political cause when not directly related to and authorized by the City.

### ***Union Activity***

Employees may not use City equipment, supplies, or paid work time to conduct union business, except in a manner consistent with the Personal Activities policy set forth above, as specified in an applicable union contract, or as otherwise required by law. City facilities may be used for union business only when they are appropriately reserved.

### ***Smoking***

The City observes and supports the Minnesota Clean Indoor Air Act. No smoking, vaping, or use of tobacco products in any form is allowed in any City facility or vehicle. Smoking is defined as the “act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind.” Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars. Smoking of any kind, including pipes, cigars, cigarettes, vaping, and the use of chewing tobacco, is prohibited for employees while on paid time.

Employees of legal age are allowed to smoke, vape, or otherwise use tobacco products only during their breaks and only in areas designated for that purpose.

### ***Possession of Dangerous Weapons***

Possession or use of a dangerous weapon is prohibited on City property, in City vehicles, or in any personal vehicle, which is being used for City business. “Dangerous weapon” means a firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. This policy applies to employees with valid permits to carry firearms.

The following exceptions to this prohibition on the possession of dangerous weapons shall apply:

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, may maintain said firearm secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property.
- Employees may show or transfer the dangerous weapon to a police officer as part of an investigation.
- An employee’s official duties for the City require possession of such a weapon, such as in the case of police officers.

### ***Safety***

Employees’ health and safety and preventing occupational injuries and illness are priorities for the City and the City will endeavor to maintain a work environment reasonably free from unnecessary hazards. Each employee is responsible for taking reasonable measures and precautions to ensure their own safety and that of their coworkers and the public and to act in accordance with the provisions of this policy, any safety policies or procedures adopted by their department, and all state and federal laws.

### **Safety Equipment**

The City will provide employees with any safety equipment, including gear and personal protective equipment, required by federal, state, or local law or City policy or procedures and employees are required

to utilize such safety equipment at all times they are engaging in an activity that requires such equipment in the course and scope of their City employment. Employees must immediately notify a supervisor if the employee does not have required safety equipment or if such safety equipment is in disrepair. The employee must not engage in any work activity without any element of required safety equipment unless specifically authorized by the Department Head. Such authorization will only be given when continuing without the required safety equipment is not a violation of law.

#### Driving on City Business

Employees who are required to drive in the course of completing their duties for the City must do so in a safe and legal manner at all times while on City business and must maintain a good driving record. This includes, but is not limited to, complying with the following requirements:

- Employees must comply with all driving laws and posted speed limits.
- Employees must not use a cellphone or similar device while driving on City business, except for navigational purposes, in which case the employee must use hands-free operations, meaning the employee can only use a cellphone by voice command or single-touch activation and may not hold the phone. If no hands-free option is available or if the employee wishes to engage in any other use of a cellphone or similar device, such as for communication or accessing the internet, the employee must safely stop the vehicle and place it in park before using a cellphone. Exceptions to these requirements arise only as follows:
  - In the event that an employee must operate a cellphone to obtain emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard or to prevent a crime from being committed.
  - For authorized emergency vehicles while in the performance of official duties.
- Employees must avoid distractions while driving, such as engaging in conversations with passengers on complicated or emotional topics, and must keep their eyes on the road at all times. Special care should be taken in situations where there is traffic or inclement weather or the employee is driving in an unfamiliar area.
- Employees who are charged with traffic violations while driving will be solely responsible for all liabilities that result from such actions.
- Employees, if involved in any vehicular collision in a City vehicle or in a private vehicle while performing City duties, shall first take care of any injuries, call the appropriate law enforcement agency, contact their immediate Supervisor and complete the City's standard Accident Report and forward copies to Supervisor.

Employees who drive a vehicle on City business at least once per month, whether in a personal vehicle or City-owned vehicle, and any employee whose ability to drive is an essential duty of their position, regardless of how frequently they actually do so, will have their driving records be subject to annual review by the City to determine compliance with this policy. Any such employees who lose their driver's license or become subject to restrictions on their license are required to notify their supervisor on the first work day after any temporary, pending, or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter. The City will determine appropriate action on a case-by-case basis.

#### Drug Free Workplace

In accordance with federal law, the City has adopted the following policy on drugs and alcohol 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 safe and secure work environment free from the effects of alcohol, drugs, or other intoxicating substances.
- B. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance on City property, while on paid work time, or when otherwise 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. Being under the influence of alcohol or having a detectable amount of an illegal or controlled substance in blood or urine while working is prohibited.
- D. Nothing in state law allows an employee to use, possess, or be impaired by medical cannabis while on paid work time for the City.
- E. The City recognizes drug and alcohol 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.
- F. 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 5 days after the conviction as required by the Drug-Free Workplace Act of 1988. Disciplinary action will be taken for drug-related crimes, regardless of whether they happened during working hours or on an employee's own time.

#### Drug and Alcohol Testing

Employees and job applicants must meet the standards and procedures concerning drug and alcohol testing as set forth in the Drug and Alcohol Testing policy. Employees and job applicants in positions that require a commercial driver's license will be tested for alcohol and controlled substances pursuant to the Federal Omnibus Transportation Employee Testing Act of 1991 and Federal Highway Administration Related Regulations and the City's policy for these positions. City policy will also conform to the requirements of state law. Certain job classes may not be subject to pre-employment testing such as seasonal workers, volunteers, Council Members and Board and Commission members.

#### Unsafe Behavior

Employees must immediately report a violation of a City or department safety policy or procedure or any unsafe behavior the employee sees or reasonably believes occurred to a supervisor or Department Head. Supervisors are authorized to send an employee home immediately when the employee's behavior violates any City or department safety policy or procedure or any law or otherwise creates a potential health or safety hazard.

#### Job Related Injury or Illness Reporting

Consistent with state and federal workers' compensation laws and OSHA requirements, all employees are required to report any job-related illnesses or injuries to their supervisor immediately no matter how minor. Whenever possible, such notice should be provided in person or over the phone, but notice may be made via email or text message if the supervisor is not available or in other extenuating circumstances. The supervisor may require the reporting employee and/or the injured or ill employee to provide follow-up documentation of the report and/or any medical treatment the employee received.

If a supervisor is not available and the injury or illness requires immediate medical treatment, the employee should go to the nearest available medical facility for treatment and, as soon as possible, notify

the employee's supervisor of the injury or illness and action taken. In the case of an emergency, 911 should be called. If the injury or illness requires non-emergency medical attention, the employee should report the condition to the supervisor and make arrangements for a medical appointment.

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.

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

### ***Discrimination and Harassment***

It is the policy of the City to maintain a working environment that is free from offensive conduct, harassment, or discrimination of any type based on race, color, creed, sex, familial status, membership or activity in a local commission, national origin, gender, religion, disability, age, marital status, status with regard to public assistance, sexual orientation, or lawful participation in the Minnesota Medical Cannabis Patient Registry.

It shall be a violation of this policy for any employee or City Council or commission member to engage in any type of discriminatory, offensive, or harassing verbal or physical conduct of a sexual nature or regarding race, color, creed, sex, familial status, membership or activity in a local commission, national origin, gender, religion, disability, age, marital status, status with regard to public assistance, sexual orientation, or lawful participation in the Minnesota Medical Cannabis Patient Registry towards any employee, City Council or commission member, independent contractor, vendor, customer, member of the public, or any other individual with whom contact is made in an official City capacity, or to retaliate or threaten to retaliate against any individual opposing such discrimination or harassment. The City will investigate all complaints, either formal or informal, verbal or written, of such offensive, harassing, or discriminatory conduct and take disciplinary or other appropriate action against any employee or other individual under the control of the City who is found to have engaged in such conduct.

The City will also take appropriate action with respect to any instance in which an employee or individual under the City's control is subjected to offensive, discriminatory, or harassing conduct by a member of the public, independent contractor, vendor, customer, or any other individual with whom contact is made in an official City capacity.

### **Application of Policy**

- A. Discrimination arises when, except when based on a bona fide occupational qualification or non-discriminatory reason, an employer or any employee, because of an individual's race, color, creed, sex, familial status, membership or activity in a local commission, national origin, gender, religion, disability, age, status with regard to public assistance, marital status, sexual orientation, or lawful participation in the Minnesota Medical Cannabis Patient Registry:
1. refuses to hire or maintains a system of employment which unreasonably excludes the person seeking employment;
  2. discharges the employee;
  3. disfavors the employee with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment;
  4. segregates or separates the employee from other similarly situated employees; or

5. harasses the employee.

B. Harassment consists of physical or verbal conduct, including, but not limited to electronic communications, relating to an individual's race, color, creed, religion, national origin, sex, gender, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, sexual orientation, age, or lawful participation in the Minnesota Medical Cannabis Patient Registry when:

1. the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. the conduct has the purpose or effect of substantially interfering with an individual's employment;
3. the conduct otherwise adversely affects an individual's employment;
4. submission to conduct of a derogatory, harassing, or biased nature based on an individual's protected classification is made a term or condition, either explicitly or implicitly, of obtaining employment; or
5. submission to or rejection of conduct by an individual that is of a derogatory, harassing, or biased nature based on the individual's protected classification is used as a factor in decisions affecting that individual's employment.

C. Sexual harassment includes unwelcome physical or verbal conduct relating to an individual's gender or directed at an individual because of gender; unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual or gender-biased nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
3. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, or creating an intimidating, hostile, or offensive employment environment.

Examples of sexual/gender harassment may include but are not limited to:

- Unwelcome verbal harassment or abuse;
- Unwelcome pressure for sexual activity;
- Unwelcome sexually motivated or inappropriate patting, pinching or physical contact;
- Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment;
- Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises or preferential treatment with regard to an individual's employment;
- Any sexually motivated unwelcome touching;
- Distribution or display of written materials, pictures, or other graphics of a sexual or gender-biased nature; or
- Other unwelcome behavior or words directed at an individual because of the individual's gender.

G. Harassment and discrimination may occur:

1. Between a supervisor and an employee;
2. Between coworkers;
3. Between an employee or City Council or commission member and a member of the public, City Council or commission member, independent contractor, vendor, customer, or any other individual with whom contact is made in an official City capacity.

Reporting and Addressing Policy Violations

A. Reporting Procedures.

Any employee who believes they have been subject to conduct in violation of this policy and any employee who has knowledge, direct or indirect, of a perceived violation of this policy must immediately report the alleged conduct to a supervisor, Department Head, or the Administrative Services Director. Any supervisor or Department Head who receives such a report must immediately inform the Administrative Services Director, without first screening or investigating the report.

When making a report, the reporting party shall clearly describe the conduct and shall identify the complaint as one of harassment or discrimination under this policy. The City encourages the reporting party to make reports in writing, but oral reports will be considered a complaint as well.

B. Special Reporting Procedures.

If the City Council Administrator is accused of harassing or discriminatory conduct, the reporting employee should make a report to the Administrative Services Director, who will confer with the City Council President regarding appropriate investigation and action.

If a City Council or commission member is accused of harassing or discriminatory conduct involving City personnel, the reporting employee should make a report to the City Council Administrator or the Administrative Services Director, who will refer it to the City Attorney for the necessary investigation. The City Attorney will report the investigation findings to the City Council, which will take the action it deems appropriate.

If a City Council member, commission member, volunteer, contractor, or other non-employee is the victim of harassing or discriminatory conduct, the City Attorney will be consulted as to the appropriate course of action.

C. Investigation. Upon receipt of a report or complaint alleging harassment, discrimination, or retaliation under this policy, the City Council Administrator will promptly undertake or authorize an investigation, unless the matter can be resolved informally. The City, in its sole discretion, will determine whether the investigation should be handled internally or referred to an outside investigator. In the event that the Council Administrator is the subject of the complaint, the investigation may be authorized by the Administrative Services Director in consultation with the City Council President. The following basic investigation guidelines shall apply:

- The individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. Typically, the investigator will obtain a detailed description of the alleged harassment or discrimination, including date, time, and place of such behavior along with:
  - Corroborating evidence.
  - A list of potential witnesses, if any.

- Identification of the offender.
- During the investigation, the alleged offender will be informed of the allegations and given the opportunity to answer questions and respond to the allegations. The City will follow any applicable policies or laws in the investigatory process.
- The City may take immediate steps, at its discretion, to protect the reporting employee or other individuals under its control pending completion of an investigation of alleged violation of this policy.
- The investigator will make a written report upon completion of the investigation, including a determination of whether the allegations have been substantiated and, if so, whether the facts establish a violation of this policy.
- The City will notify the reporting or impacted employee upon completion of the investigation.

D. Action. The City will take appropriate action based on the results of the investigation. If the City determines based on the investigation that an employee has violated this policy, the City may impose any level of discipline it deems appropriate up to and including immediate discharge. The City may also take any other action appropriate to resolve the complaint and prevent the conduct from recurring.

#### 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, other witnesses, and/or others who have a need to know the information or as otherwise required by law. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files, except that any documentation of wrongdoing and/or disciplinary action may be placed in the offending employee's personnel file.

The City will only disclose information about the allegations, findings, conclusions, and any remedial action as allowed or required by the Minnesota Government Data Practices Act and any other applicable laws.

#### Retaliation

Consistent with the terms of applicable statutes and City policies, the City may discipline any employee who retaliates against any person who reports alleged violations of this policy or 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.

#### ***Respectful Workplace***

It is the City's policy to maintain a respectful work environment free from violence, discrimination, and other offensive and degrading remarks or conduct. Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all City employees, volunteers, members of boards and commissions, and City Council members.

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 events. The City acknowledges this policy cannot possibly predict all situations that might arise.

#### Types of Disrespectful Workplace Behavior

The following behaviors are considered disrespectful and are prohibited:

- Violent behavior, which includes the use of physical force, harassment, bullying, or intimidation.
- Discriminatory behavior, as described in the Discrimination and Harassment Policy.
- Harassment, including sexual harassment, as described in the Discrimination and Harassment Policy.
- Offensive behavior, which may include such actions as rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, or disparaging language. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction. The standard for how employees treat each other and the public will be the same throughout the City. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor, department head or Administrative Services Director..
- Intentional or repeated failure to use the name and pronouns corresponding to an employee's gender identity.

#### Employee Reporting of Disrespectful Workplace Behavior

Employees should use the following procedures for addressing disrespectful workplace behavior:

- Employees who are comfortable doing so, should first address disrespectful behavior directly with the individual engaging in such behavior by professionally and firmly informing the individual about the conduct the employee believes is disrespectful and asking the individual to stop such behavior.
- If the employee is not comfortable addressing the offender directly or if doing so does not stop the disrespectful conduct, the employee should report their concerns to the employee's supervisor, Department Head or Administrative Services Director, who will document the issue and determine how best it should be addressed.
- Employees should promptly report any disrespectful workplace behavior they have experienced or observed to allow for appropriate and timely corrective action.
- Employees should contact their supervisor, Department Head, or Administrative Services Director to request assistance if they do not feel comfortable with an active situation involving disrespectful workplace behavior or if the employee sees or overhears such behavior and reasonably believes intervention is necessary. If there is a concern about the possibility of violence, an employee should use their discretion to call 911 and then to notify a supervisor as soon as feasible.
- Any employee who observes sexual harassment or discriminatory behavior, or receives a report about such conduct, must report it promptly to a supervisor, Department Head or Administrative Services Director.
- An employee who believes that inadequate action has been taken on the employee's report of disrespectful workplace behavior after a reasonable length of time following the employee's report to the supervisor, Department Head, should report the behavior to the Administrative Services Director.

#### Response to Allegations of Disrespectful Workplace Behavior

Supervisors will take all complaints of disrespectful workplace behavior seriously and act in accordance with these provisions.

Supervisors must promptly report all allegations of harassing or discriminatory behavior to the Department Head and Administrative Services Director, who will determine how to address the allegations. A supervisor must complete this report even if the complainant requests otherwise.

Upon receiving a complaint of disrespectful workplace behavior other than harassing and discriminatory behavior, supervisors will use the following guidelines to address such reports, though the exact process followed will depend on the particular circumstances of the complaint:

- Upon receiving a report of disrespectful workplace behavior, the supervisor will ask the reporting employee what type of resolution the employee is seeking, though the City cannot guarantee any particular outcome or action.
- The supervisor must notify the Department Head about the allegations, unless the allegations are against the Department Head, in which case the supervisor will notify the Administrative Services Director.
- If the nature of the allegations and the wishes of the reporting employee warrant a simple intervention, the supervisor may choose to handle the matter informally. The supervisor may conduct a coaching session with the subject of the report, explaining the impact of the employee's actions and directing that the conduct must not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.
- If a formal investigation is warranted, the City Council Administrator, in its sole discretion, will determine whether the investigation should be handled internally or referred to an outside investigator.
- During any investigation, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. Typically, the investigator will obtain a detailed description of the alleged disrespectful workplace behavior, including date, time, and place of such behavior along with:
  - Corroborating evidence.
  - A list of potential witnesses, if any.
  - Identification of the offender.
- During the investigation, the alleged offender will be informed of the allegations and given the opportunity to answer questions and respond to the allegations. The City will follow any applicable policies or laws in the investigatory process.
- The City may take immediate steps, at its discretion, to protect the reporting employee or other individuals under its control pending completion of an investigation of alleged violation of this policy.
- The City will take appropriate action based on the results of the investigation. If the City determines based on the investigation that an employee has violated this policy, the City Council Administrator may impose any level of discipline it deems appropriate up to and including immediate discharge. The City may also take any other action appropriate to resolve the complaint and prevent the conduct from recurring.
- The Administrative Services Director will notify the reporting or impacted employee upon completion of the investigation.

### Special Reporting Procedures

When the supervisor is the employee accused of disrespectful workplace behavior, the reporting employee should make a report to the Department Head or the Administrative Services Director, who will determine how to proceed with processing the complaint in light of the guidelines above.

If the City Council Administrator is accused of disrespectful workplace behavior, the reporting employee should make a report to the Administrative Services Director, who will confer with the City Council President regarding appropriate investigation and action.

If a City Council or commission member is accused of disrespectful workplace behavior involving City personnel, the reporting employee should make a report to the City Council Administrator, who will refer it to the City Attorney for the necessary investigation. The City Attorney will update the City Council, which will take the action it deems appropriate.

If a City Council member, commission member, volunteer, contractor, or other non-employee is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

#### Confidentiality

A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender, other witnesses, and/or others who have a need to know the information or as otherwise required by law. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files, except that any documentation of wrongdoing and/or disciplinary action may be placed in the offending employee's personnel file.

The City will only disclose information about the allegations, findings, conclusions, and any remedial action as allowed or required by the Minnesota Government Data Practices Act and any other applicable laws.

#### Retaliation

Consistent with the terms of applicable statutes and this Handbook, the City may discipline any employee who retaliates against any person who reports alleged violations of this policy or 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.

#### ***Discipline***

Employees are responsible for fulfilling their job duties at the required level and for complying with all work rules; standards of conduct; reasonable expectations of their supervisor, Department Head, or the City; and this Handbook and other City policies. Employees are assumed to understand their responsibilities and what is expected of them and must promptly seek clarification from their supervisor, Department Head, Human Resource Manager, or Administrative Services Director when they do not understand any duty, rule, standard, policy, expectation, or directive. An action taken as the result of employee performance or misconduct, including, but not limited to, oral warnings memorialized in writing, written reprimands, suspensions without pay, demotions, disciplinary transfers or discharge. The employee's supervisor and/or Department Head and Human Resource Manager will assign discipline in consultation with the Administrative Services Director. Discipline will be administered in a non-

discriminatory manner and in compliance with all state and federal law. Any discipline imposed will be documented and copies of that documentation will be placed in the employee's personnel file and provided to the employee.