



Personnel Policy Manual

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**City of Red Wing Personnel Policy Manual
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CITY OF RED WING PERSONNEL POLICY MANUAL

This Personnel Policy is meant to be a guide for the City of Red Wing and its employees in the conduct of the City of Red Wing's business, and nothing herein shall be construed to constitute a contract of employment, either express or implied, nor shall anything contained herein be construed to modify the employment-at-will relationship.

Organizational Philosophy

Welcome to City of Red Wing employment. We look forward to your contributions to the City of Red Wing.

The Red Wing City Council believes it is important to operate as an effective organization. The intent, within which the City Council and employees work, is to provide for a quality and productive public service, with an organization wide perspective, in an atmosphere of trust.

City Personnel Ordinance Authority

City Code: Chapter 2, Section 2.71, "Personnel Rules." Upon the recommendation of the City Council Administrator, the City Council may establish personnel rules and regulations setting forth the rights, duties and responsibilities of employees which shall govern the employer/employee relationship between the City of Red Wing and each employee unless otherwise provided for by written contract. An official copy containing such rules and amendments thereto shall be kept on file in the City Clerk office, with other copies kept in the Employee Services Division and in each department and such other places as the City Council Administrator deems appropriate. This policy and any future amendments and applicable administrative orders shall be effective upon adoption.

The City Council Administrator shall have full authority to issue temporary rules and regulations that will have the effect of policy provided the same are presented to the City Council for consideration at a regular meeting as reasonably soon thereafter as is convenient. The City Council Administrator may also issue administrative orders, directives, and rules or similar such matters, and interpret these matters consistent with the City Code or adopted Council policies. All rules, regulations, administrative orders, directives and similar matters shall be in full force and effect as if repeated verbatim herein, and are effective upon adoption. The City Council Administrator shall be responsible for interpreting any provision of this policy which may be unclear.

Appointing and Governing Authority

Generally speaking, the City Council Administrator is the chief personnel officer of the City and is responsible for enforcement of all rules and regulations governing personnel. In some cases, the charter or other governing documents may provide for different procedures and lines of authority in governing personnel. In such cases, the responsible board or City officer shall consult with and keep the City Council Administrator fully advised

of all personnel matters. The Administrator shall assist such board or officer in the enforcement of all applicable personnel rules and regulations and promptly report any serious violation thereof to the Council.

Purpose of Rules

The purpose of this policy is to establish a uniform and equitable system of human resources administration for City of Red Wing employees. Nothing contained within the Personnel Rules alters, or is intended to alter, the at-will employment relationship. The fundamental objectives are:

1. Promote an increase of economy and efficiency within City of Red Wing government and employment.
2. Provide fair and equal opportunity to all qualified persons to enter City of Red Wing employment on the basis of demonstrated merit and fitness, and to deal with employees in a consistent manner utilizing policies to provide fairness.
3. Develop a program of recruitment that will make City of Red Wing employment attractive and encourage each employee to give his/her best service to the City of Red Wing.
4. Promote high morale among City of Red Wing employees by providing safe working conditions, opportunity for advancement, consideration of employee welfare, and a basis for understanding of City of Red Wing affairs.

Administration, Adoption and Amendment of Rules

Personnel policies and rules will be adopted and amended from time to time. It will be the City Council Administrator's responsibility to propose changes in the personnel rules to the City Council for consideration. All such policies, rules and amendments or emergency rules, regulations, administrative orders, directives and other similar matters of general application to all employees will be posted on City of Red Wing employee bulletin boards, the City of Red Wing's server, and distributed to union business agents. The official copy shall be maintained by the City Clerk. An up-to-date copy will be maintained by each department head and available for inspection by any employee.

The City Council Administrator shall be responsible for the administration of all general personnel rules. These rules shall not be construed as limiting in any way the power and authority of the City Council, City Council Administrator or Department Head to make rules and regulations governing the conduct of departmental employees and the performance of departmental functions, provided such departmental rules and regulations shall not conflict with the provisions of these personnel rules.

The Employee Services Division, with the City Council Administrator's approval, may develop administrative procedures providing for the clarification and administration of these policies. Nothing in these rules is intended to modify or supersede any provision of

the Veteran's Preference Act, Minnesota Statutes § 197.45 to 197.481. Nothing in these personnel rules shall modify or supersede any provisions in the City Charter or City Code.

Personnel Covered/Applicability

Employees

All policies contained herein shall apply to all City of Red Wing employees unless they are in conflict with the specific terms of a contract, bargaining agreement or other legal agreement. In this event, the provisions therein take precedence over the conflicting terms of this policy. Where union contracts do not provide for, or are ambiguous toward a policy provided herein, these Personnel Rules shall govern.

Elected Officials, Board/Commission Members and Volunteers

Elected Officials, Board/Commission Members and Volunteers are governed by Sections 10, 170, 180, 430, 500, 520, 530, 540, 550, 560, 590, 610, 620, 630, 640, 650 and 655 unless specifically covered by a separate policy or statute. Those receiving a salary may participate in programs covered in Sections 270 and 280 to the extent allowable by policy and statute.

Non-Employees

The following are not considered employees, and unless specifically noted otherwise, the provisions of this handbook do not apply:

- City of Red Wing attorney and staff, when retained as independent contractors.
- Independent contractors, consultants and other individuals covered by agreements wherein they are specifically not intended to be employees.

Definitions

As used in these rules, and all other personnel rules, procedures and regulations the following words and terms, unless the context clearly indicates otherwise, shall have the meaning as defined herein:

Adverse Effect or "Under the Influence"

Impairment, due to drugs, controlled substances or alcohol, or having the presence of a drug, controlled substance or alcohol at or above the level of a positive test result. Adverse effect/under the influence will be determined to be present if:

- the employee is impaired, e.g., has diminished alertness, coordination, reactions, responses or effort; or
- the employee's condition threatens the safety of him/herself or others; or

- the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the City of Red Wing as an employer as determined by the supervisor or City Council Administrator or others observing the employee.

Alcohol

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols; including methyl and isopropyl alcohol.

Appointing Authority

The City Council Administrator or other City of Red Wing Department/Division Head that has been delegated the authority to appoint personnel and exercise all discipline, including termination.

Beginning Employee

Any employee who has not yet served at least 6 months (12 months Patrol) in any position and who has not been granted regular employee status and remains an at-will employee.

Benefits

Privileges granted to employees or other benefiting items paid for by the City of Red Wing in addition to salary or wages. Benefits include, but are not limited to, vacation, sick or emergency leave, holiday pay, insurances and retirement plan payments.

Casual Position

A position used on an as-needed-basis. Casual position employees have no set schedule, are not eligible for benefits and are called in to work for short periods of time in various positions, as needed.

Certified Bargaining Unit or Union

A group of employees who have been determined under provisions of the Public Employment Labor Relations Act to have a common interest in the collective bargaining process and whose common interest has been agreed to by the employee group and the City of Red Wing.

Compensatory Time

Time off from work replacing overtime hours worked by employees who are not exempt from the provisions of the Federal Fair Labor Standards Act ("FLSA"). Compensatory time shall be computed at one and one half times the number of overtime hours worked, after a normal 40-hour workweek, unless otherwise provided by the FLSA.

Confirmatory Test/Retest

A drug or alcohol test that uses a method of analysis allowed by Minnesota Statutes.

Controlled Substances

Substances for which distribution is controlled by regulation or law including, but not limited to, narcotics, depressants, stimulants, hallucinogens, marijuana and alcohol.

City Council Administrator

The City's Chief Administrative Officer who has general day to day supervisory authority with general administrative authority and coordination over Department Heads and their employees, and between departments.

Days

Calendar day, including Saturday, Sunday and holidays unless otherwise specified in these rules.

Demotion

A reduction of an employees' job grade/classification which may result in a reduction in salary/wages, a downward movement. An employee demoted to a job that is rated below their grade and step shall be placed in the new job grade at step 1. A credit may be given that considers an employee's years of service.

Department Head

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

Discipline

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.

Division Head

The administrative head of a division with authority over the division therein, including supervision of the employees within his/her division.

Drug

Unless otherwise expressly stated herein, controlled substance as defined in Minnesota Statutes.

Drug & Alcohol Testing, Alcohol Testing or Drug Testing

Analysis of body component samples according to the standards established under one of the programs listed in Minnesota Statutes ~~§181.953, Subdivision 4~~, for the purpose of measuring the presence or absence of drugs, alcohol or their metabolites in the sample tested.

Drug Paraphernalia

Drug related items as defined in Minnesota Statutes.

Eligible

A person who has met the established minimum qualifications for a position and is thereby eligible for further consideration for city employment. The City of Red Wing retains its discretionary authority to make the sole judgment regarding an applicant's qualifications.

Eligibility List

A listing of eligible candidates for a position.

Employee in Good Standing

An employee who has complied with the provisions of the Personnel Policy and who is not the subject of proposed or final discipline.

Employer

The City of Red Wing.

Employment At Will

An employment relationship wherein either the City of Red Wing or the employee may terminate the employment relationship at any time without cause or reason.

Exempt Position

Positions which, because of the nature of their work, such as managing a department, directing the work of others or exercising independent judgment and discretion, including those who regularly assist executive or administrative employees, are exempt from the FLSA, or are employed in a salaried position

Federal Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act (FLSA), which prescribes standards for the basic minimum wage and overtime pay, affects most private and public employment. It requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-one-half-times the regular rate of pay. For nonagricultural operations, it restricts the hours that children under age 16 can work and forbids the employment of children under age 18 in certain jobs deemed too dangerous. The Act is administered by the Employment Standards Administration's Wage and Hour Division within the U.S. Department of Labor.

Grade Classification

A group of positions sufficiently similar in comparative worth evaluations and exempt or non-exempt status to warrant placement within the same grade of pay and classification plan.

Grievance

A dispute or disagreement of the interpretation, application, or a claimed violation of a Collective Bargaining Agreement.

Immediate Family Member

Legal Spouse (as that 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 or court-appointed permanent member of the employee's household.

Initial Screening Test

A drug or alcohol test which uses a method of analysis under one of the programs listed in Minnesota Statutes.

Job Applicant

A person, independent contractor or person working for an independent contractor who applies to become an employee of an employer and includes a person who has received a job offer made contingent on the person passing drug and alcohol tests.

Mood Altering

A substance causing changed behavior which may limit an employee's ability to safely and efficiently perform his/her job duties or poses a threat to the safety of the employee or others.

Nepotism

Favoritism shown to an employee on any basis other than merit, ability to do the job and other legitimate job evaluation factors.

Non-Exempt

Any position which is not exempt from the provisions of the FLSA, e.g., an hourly position.

Overtime

Time worked in excess of 40 hours per workweek for a non-exempt employee unless otherwise provided by FLSA.

Pay and Classification Plan

A plan containing grade classifications, pay ranges and steps by which City of Red Wing positions are paid.

Performance Reviews

A systematic review of an employee's jobs performance and establishment of future performance goals and/or requirements.

Position

Any grouping of job duties, responsibilities and authorities to be performed by an employee that are generally described in a single job description, as determined by the City of Red Wing in its sole discretion.

Positive Test Results

Unless otherwise expressly stated herein, finding of the presence of drugs, alcohol or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes.

Posting

The actual display of a document on: departmental bulletin boards located by time clocks, the City's Intranet site, and/or on the City of Red Wing's website for purposes of communication.

Promotion

A change in an employee's grade/classification from a position in one grade/classification to a position in another grade/classification, which normally results in an increase in the maximum salary range, an upward movement. An employee promoted to a job that is rated above their most recent grade and step shall be placed in the new job's grade at a step that is at least \$0.75 per hour higher than the employee's previous step and grade.

Reasonable Suspicion

A basis for forming a belief based on specific facts and any rational inferences drawn from those facts.

Reclassification

A change in grade classification of a position by raising it to a higher classification or reducing it to a lower classification on the basis of changes in the kind, difficulty or responsibility of the work performed.

Reclassification Upgrade: An employee's current assigned job grade has been adjusted up. Employee would receive a grade increase upon approval by City Council. The employee's step would stay the same. Example: Grade 4 Step 2 to Grade 5 Step 2.

Reclassification Downgrade: An employee's current assigned job grade has been adjusted down. An employee would be red-circled at their current wage. Example: Currently at Grade 5, Step 2. Reclassified to Grade 4, Step 2. Wage would stay the same until Grade 4, Step 2 or the seniority step dollar amount equals their current wage.

Regular, Full-Time Employee

An employee who has completed the minimum 6 month (12 months Patrol) beginning period, who is normally scheduled to work a 40 hour week for 12 months per year, subject to holidays and vacations, has received an initial performance review and has officially been granted regular full-time employee status, but remains an at-will employee.

Regular, Part-Time Employee

An employee who has completed the minimum 6 month (12 months Patrol) probationary period, who is normally scheduled to work less than 40 hours a week for 12 months per year, subject to holidays and vacations, has received an initial performance review and has officially been granted regular, part-time employee status, but remains an at-will employee (unless covered by a collective bargaining agreement). Due to budgetary planning in funding positions and the administrative time spent in relation to issues raised by employees holding multiple positions, it has been determined that allowing part-time employees to hold multiple positions is overshadowed by the expense in administrating such positions. At no time will an employee be allowed to hold more than one part-time position.

Health Insurance Minimum 24 hours per week

Part-time employees filling a regular position and normally scheduled to work on average at least 24 hours per week and a minimum of 1248 hours per year will be eligible to elect pro rata group insurance benefits based on the direct relationship their normally scheduled workweek bears to full-time (40 hours per week).

-eligible for prorated Health, Life, AD&D and Long Term Disability

Holidays Minimum 20 hours per week

When a holiday occurs, regardless of the days that the employee works during that workweek, a part-time employee would receive the pro rata amount of holiday pay for that day. The holiday pay must be used on the day the City is closed for business if the employee is normally scheduled to work. Any hours not used, if applicable, should be used within the pay period. Pro rata amounts are as follows: Normally scheduled 20 hrs./wk. = 4 hrs. Holiday pay, 21 hrs./wk. = 4.2 hrs. Holiday pay, 22 hrs./wk. = 4.4 hrs. Holiday pay, 24 hrs./wk. = 4.8 hrs. Holiday pay, 30 hrs./wk. = 6 hrs. Holiday Pay and 32 hrs./wk. = 6.4 hrs. Holiday pay.

Sick Minimum 20 hours per week

Regular full-time position employees shall earn sick leave at the rate of 4.62 hours biweekly, up to 1000 hours. Part-time employees who work at least an average of 20 hours per week are eligible to earn prorated sick leave based on their schedule's relationship to 40 hours. Also eligible for prorated wellness benefit.

Vacation Minimum 20 hours per week

All employees having earned regular employee status shall be eligible for an annual period of paid vacation leave at their regular rate of pay. Beginning employees will earn vacation leave; however, vacation may not be used by beginning employees until they have achieved regular employee status. Part-time, regular employees who work at least an average of 20 hours per week shall earn vacation leave on a pro rata basis corresponding to actual hours worked in relation to a 40 hour workweek. Vacation leave shall not be earned by any employee on any type of leave of absence without pay.

Wages

New part-time employees hired after January 1, 2007, will move through the pay plan on a pro rata basis based on the number of hours for which they have been compensated. This would also apply to accrued leave benefit increases, if applicable.

Regular Position

A position approved by the City Council within the budgetary process or specifically authorized by the City Council. The position is anticipated to remain into the foreseeable future and no definite or approximate end date has been established. These positions do not include seasonal/temporary positions.

Safety Sensitive Position

Unless otherwise expressly stated herein, a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage could threaten the health or safety of any person.

Seasonal/Temporary Position

A full or part-time position that is not considered a regular position. These positions usually have approximate ending periods and generally last for the period of a specific season, project or similar intermittent matter.

Supervisor

Any person having the minimum authority to assign, direct and reward personnel in their work, relay orders to personnel, adjust grievances and recommend hire, transfer, promotion or any form of disciplinary action, including termination.

Transfer

A change in the employee's grade/classification from one City position to another which is in the same grade and not normally involving an increase or decrease in the maximum salary range; a horizontal movement.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, 38 U.S.C. §§ 4301 – 4335) is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other “uniformed services:” (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service. The federal government is to be a “model employer” under USERRA. See 38 U.S.C. § 4301.

Volunteer

A person who provides services to the City of Red Wing without receiving compensation. Volunteers are not eligible for any paid benefits and depending on the type of job performed, may be subject to a driver's license check, credit check

and/or a background check, which may or may not include a criminal background check. See also the Volunteer Handbook.

Workday

The standard workday is a period of at least 8 hours in a consecutive 24-hour period. Department heads may establish a different workday for an employee. Once established, the workday remains fixed but may be changed by the department head.

Work Related Alcohol and Other Drug Abuse

Use of mood altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana or the use of prescription drugs when resulting behavior or appearance adversely affects work performance.

Workweek

A fixed and regularly recurring period of 168 hours (seven consecutive 24-hour periods). It need not coincide with the calendar week but may begin on any day and at an appropriate hour of the day. The beginning of the workweek shall be established by the City Council Administrator; and, once established, it remains fixed until changed. Different workweeks may be established for different employees or groups of employees.

Section #10 - Respectful Workplace Policy

The City of Red Wing's Organizational Mission is to promote an organizational atmosphere of mutual respect and teamwork. The City of Red Wing recognizes the importance of a respectful workplace. Toward that end, the City of Red Wing commits to maintaining a respectful work environment by open communication that shall be free from violence, discrimination, sexual harassment and other offensive or degrading remarks or conduct.

Abusive Customer Behavior

While the City of Red Wing has a strong commitment to customer service, it does not expect that employees have to accept verbal or physical abuse from any customer. An employee may request that a supervisor intervene when a customer is abusive, or they may attempt to defuse the situation themselves, including terminating the contact.

If there is a concern over the possibility of physical violence, contact a supervisor immediately. If conditions dictate, panic alarms should be activated, if available, and 911 (Police Dispatch Center) should be called. Employees should leave the area immediately when violence has occurred or is imminent, unless their duties require them to remain. Employees must notify their supervisor about the incident as soon as possible.

Types of Disrespectful Behavior

The intent of this policy is not to eliminate humor in the workplace. Humor that does not degrade another person is a positive influence, can help make the workplace more enjoyable and productive and is encouraged.

- **Violent behavior** includes the use of physical force, harassment or intimidation.
- **Discriminatory behavior** includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, membership or activity in a local commission, or status with regard to public assistance.
- **Harassment or Offensive behavior** may include, but is not limited to, such actions as rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language or any other behavior regarded as offensive to a reasonable person. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor, department head, City Council Administrator or Employee Services Director.
- **Sexual Harassment** is a form of employee misconduct which undermines the integrity of the employment relationship. It is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 and Minnesota Statutes § 363A.01 to 363.A.41, the Minnesota Human Rights Act. It is a violation of this policy for any employee of the City of Red Wing to harass another employee, volunteer, elected or appointed official or patron of the City of Red Wing through unwelcome conduct or communication of a sexual nature as defined by the policy.

Further, it is the policy of the City of Red Wing that harassment of others in the workplace is unacceptable behavior on the part of its employees and such behavior is just cause for disciplinary action including, but not necessarily limited to, termination.

Sexual harassment can consist of a wide range of unwanted and unwelcome sexually directed behavior, such as unwelcome sexual advances, requests for sexual favors, sexually motivated physical or verbal (including oral or written) contact and other verbal or physical conduct of a sexual nature when:

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

Examples of Sexual Harassment

Sexual harassment may include, but is not limited to, the following:

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, kidding or comments that are sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, offensive or demeaning terms which have sexual connotations, sexually oriented comments, innuendos or actions that offend others.
- Objectionable physical proximity or physical conduct such as sexually suggestive facial expressions, gestures, assaults, impeding or blocking movement or other physical interference or threats.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.
- The deliberate or careless creation on an atmosphere of sexual harassment or intimidation due to an individual's gender.

Employee Response to Disrespectful Workplace Behavior

Employees who believe that disrespectful behavior is occurring should deal with the situation in one of the ways listed below, except that if the allegations involve violent behavior, sexual harassment or discriminatory behavior, then the employee **must** take one of the following actions. If employees see or overhear a violation of the policy, they are also encouraged to follow the steps below:

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

Make a note for your personal file that describes the incident of disrespectful behavior, a summary of your conversation with the person you believe is violating this policy and what the person's reaction was when told.

- **Step 1(b).** If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor, department

director or the Employee Services Director. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter no later than ten business days after your report.

- **Step 1(c).** In the case of violent behavior, all employees are required to report the incident immediately to their supervisor, department head or Police Department.

Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, **must** report it within two business days to a supervisor, department director or the Employee Services Director.

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

Supervisor's Response to Allegations of Disrespectful Workplace Behavior

Employees who have a complaint will be taken seriously. In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the Employee Services Director or City Council Administrator, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

- **Step 1.** If the nature of the allegations and the wishes of the victim warrant a simple intervention, the supervisor may choose to handle the matter informally. The supervisor may conduct a coaching session with the offender, explaining the impact of his/her actions and requiring that the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.
- **Step 2.** If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of his/her own choosing present during the interview. The investigator will obtain the following description of the incident, including date, time and place:
 - Corroborating evidence
 - A list of witnesses
 - Identification of the offender
- **Step 3.** The supervisor must notify their department director about the allegations. The department director must immediately contact the Employee Services Division to discuss the incident.

- **Step 4.** As soon as possible after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. A Tennessean Advisory will be given to the alleged violator and all witnesses. The alleged violator will have the opportunity to answer questions and respond to the allegations.
- **Step 5.** After adequate investigation and consultation with the Employee Services Division, a decision will be made regarding whether or not disciplinary action will be taken. The “Inappropriate Workplace Behavior Continuum” (attached) will be used as a guideline in making recommendations for disciplinary action.
- **Step 6.** The alleged violator and complainant will be advised of the findings and conclusions as soon as possible.

Special Reporting Requirements

When the Employee Services Director is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Council Administrator who will assume the responsibility for investigation and discipline.

If the City Council Administrator is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to either the Employee Services Director or the City Attorney, who will confer with the Mayor and City Council regarding appropriate investigation and action.

If an elected official is perceived to be the cause of a disrespectful workplace behavior incident involving city personnel, the report will be made to the City Attorney who will undertake the necessary investigation. The City Council Administrator and City Attorney will report their findings to the City Council, which will take the action it deems appropriate.

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

Confidentiality

A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person’s name and/or statements may, at some point, have to be provided to the alleged offender. Under the Minnesota Data Practices Act, before the matter is resolved, the fact that a complaint has been made and the identity of the person complained about is public; however, the nature of the complaint and the identity of the complainant are not public. All complaints and investigative materials will be contained in a file separate from the involved employee’s personnel files. If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee’s personnel file. The disciplinary action and the data supporting that action are public.

Reprisals

Consistent with the terms of applicable collective bargaining agreements, statutes or City personnel policies, the City of Red Wing may discipline any individual who retaliates against any person who reports alleged violations of this policy, or who retaliates against any person who testifies, assists or participates in any manner in any 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.

Consensual Romantic Relationships

While allowed; consensual romantic relationships between employees must not be acted out in the workplace or when carrying out official City duties. Such actions may be construed as favoritism toward employees in that relationship and can develop into unwelcome or one-sided relationships and hence can become forms of sexual harassment. If such relationships between employees become unwanted or non-consensual, they shall be reported to Employee Services.

Harassment of a Non-Employee by a City Employee

City employees are advised to be aware of their behavior toward the public we serve. The City of Red Wing does not authorize any harassing activities. An employee who engages in harassment against the public during the performance of their duties will be subject to severe disciplinary action and possible criminal charges.

Weapons in the Workplace

The possession and use of dangerous weapons are prohibited on City property, in City vehicles or in any personal vehicle which is used for City business. The City of Red Wing prohibits all employees, except sworn employees of the Police Department, from carrying or possessing dangerous weapons or firearms while acting in the course and scope of employment for the City. The carrying or possession of weapons/firearms by employees is prohibited while working on City property or while working in any location on behalf of the City. This includes but is not limited to:

- a. Driving on City business;
- b. Riding as a passenger in a car or any type of mass transit on City business;
- c. Working at City Hall or any other City-owned work site;
- d. Working off-site on behalf of the City;
- e. Performing emergency or on-call work after normal business hours and on weekends;
- f. Working at private residences and at businesses on behalf of the City; or
- g. Attending training or conferences on behalf of the City.

An exception to this policy is that City employees may abide by Minnesota law and carry firearms to City-owned parking areas if they have obtained the appropriate permit(s). The

firearm must be immediately placed in the locked trunk or locked handgun case of the employee's vehicle for safe keeping and carried no further.

When responding to on-call work from home after regular work hours, an employee is prohibited from bringing a firearm in their private vehicle unless the firearm remains in the locked trunk or locked handgun case.

In order to enforce this policy, the City of Red Wing reserves the right to inspect all personal belongings of employees on its premises, including inspection of briefcases, gym bags, lockers and City of Red Wing vehicles.

Employees who violate this policy are subject to disciplinary action in accordance with the City of Red Wing Personnel Policy and/or union contract.

Definition of Dangerous Weapons

For purposes of this policy, the following items are considered to be dangerous weapons:

- Any weapon which, per applicable law, is illegal to possess.
- Any firearm, loaded or unloaded, assembled or disassembled, including pellet, "BB" and stun guns (electronic incapacitation devices).
- Replicate firearms, as defined in Minnesota Statutes, Section 609.713, as amended.
- Knives (and other similar instruments), other than those present in the workplace for the specific purpose of use in food preparation and job related activities.
- Any switchblade knife.
- Brass knuckles, metal knuckles and similar weapons.
- Bows, crossbows and arrows.
- Explosives and explosive devices, including fireworks and incendiary devices, except at an approved site for City purposes.
- Throwing stars, nunchakus, clubs, saps and any other item commonly used as, or primarily intended for use as a weapon.
- Any other item that could be used as a weapon.

Elected Officials, Board and Commission Members and Volunteers

The City recognizes Elected Officials, Board and Commission members and volunteers to not be City employees. They would be considered a public citizen and the City of Red

Wing would not have the ability to restrict conceal and carry guns possessed by these individuals.

The City of Red Wing's policy is not to use volunteers who carry weapons or firearms.

Inappropriate Workplace Behavior Continuum

Listed below are examples of inappropriate workplace behavior along with the recommendation for action for most situations. The City reserves the right to disregard the recommended action if it believes that stricter action is warranted. This list does not cover all situations. For customers and outside vendors, referral will be made to the City Attorney's office.

Category 1	Category 2	Category 3	Category 4
Angry outbursts	Intimidations by word or action	Reprisals	Physical assaults (with or without a weapon)
Offensive joking	Unwanted touching	Verbal threats, abuse	Sexual assaults (including forced fondling)
Repeatedly asking for dates	Unjust exercise of power through word or action	Pushing, shoving	Any repeated behavior from Category 1, 2 or 3 after verbal warning and/or disciplinary action
Inappropriate visuals, such as cartoons and photographs	Any repeated behavior from Category 1 after verbal warning	Carrying an unauthorized weapon	
Name calling		Destruction or theft of City property	
Vulgar obscenities		Overt intimidation by word or action	
Disrespectful language		Any repeated behavior from Category 1 and 2 after verbal and/or written warning	
Subtle intimidation			
ACTION: Verbal Warning	ACTION: Written Reprimand	ACTION: Suspension	ACTION: Termination

- ABUSIVE BEHAVIOR CAN OCCUR PERSON TO PERSON OR THROUGH THE USE OF ELECTRONIC EQUIPMENT (BY TELEPHONE, COMPUTER, ETC.).
- The closer the behavior is to the left end of the continuum, the more times it has to be repeated to form the legally prohibited “pattern” that creates a hostile environment.
- The receiver of information at the left end has more responsibility to tell the sender to stop the behavior.
- The more to the right a behavior gets, the fewer times it must be repeated and the less responsibility the receiver has to talk to the offender.
- The City of Red Wing reserves the right to determine a course of action that will deviate from this guideline.

Related Information

Drugs and Alcohol

Employees may not sell, buy, manufacture, distribute, dispense, solicit, possess, use, or be under the influence of alcohol or illegal drugs at work, on City premises, in City vehicles or at City functions when receiving compensation. This policy will be coordinated with the drug and alcohol policy as well as the fitness for duty policy.

Training

All employees are expected to attend training regarding respectful workplace policies. All employees are expected to be familiar with alarm systems (if applicable) and the steps to maintain personal safety.

Robbery

In case of a robbery, all City money is to be given to the robber and employees are to cooperate fully. All employees are expected to be familiar with the steps to be taken in case of a robbery.

Visitors

Visitors should be escorted by an employee at all times in non-public areas.

Exterior Entrances

All non-public exterior entrances are to be locked at all times. No doors are to be propped open.

Alarm Systems

Employees are required to be trained in the use of alarms they may use (panic alarms). Alarm systems are to be checked at least every six months to ensure they are in working order.

Public Announcement Emergency Code (certain areas)

In the event that the receptionist believes an individual in a public waiting area may be violent, he/she will page Mr. Henry Jones. If heard, other employees in the building should call 911.

City Vehicles

Employees other than law enforcement employees may not pick up strangers, hitchhikers or other individuals not well known to them while driving a City vehicle.

Security

The City of Red Wing does not routinely use security guards. When there is a perceived need for security during special events, police personnel should be used.

Prosecution

Any individual engaging in violence against the City of Red Wing, its employees or its property will be reported to the police. The City of Red Wing will support the prosecution of the individual(s) to the full extent of the law. The police shall be called when requested by any employee.

Personnel Protection

If an altercation occurs on City property, the police are to be called immediately. These steps are included only to assist you in protecting yourself, your employees and visitors until help arrives. Take the following actions in the order that will provide the most protection for employees:

1. Remain calm. Getting excited or angry may only make matters worse. If practical, make a supervisor or another employee aware of situation (phone call, signal, etc.).
2. If an altercation occurs, push panic alarm, if available, **AND** call 911 when possible. Identify who you are and where you are calling from, and state "I want to report a (disturbance, fight, robbery, violent customer, etc.) at < location> located at <address>." Stay on the phone until the dispatcher says it is okay to hang up.
3. Keep your distance (safe zone) and plan an escape route if it becomes necessary to leave the area. Stay behind a desk, table or other structure, if necessary.
4. Evacuate other personnel, if necessary.
5. If there is immediate danger of harm to anyone, and if restraining the person eliminates that danger without exposing yourself or others to danger, use only the minimum amount of force that is necessary.

6. Without exposing yourself and others to danger, try to calm the individual. Do not raise your voice.
7. State clearly the boundaries of behaviors that will be allowed. Example: "I understand you are upset, but you will have to *<state the boundaries>*." The first priority is to ensure the safety of employees, customers, citizens and oneself.
8. Give the individual choices. For example: "You may stay and *<state the behavior>*, or you may leave." "I can call a ride for you so you can get home."
9. Always maintain eye contact. It gives you information about when and where the attacker might strike you.
10. Take a deep breath before acting.
11. Never put hands in your pocket. Hands with palms up are the least threatening gesture.
12. Stand with feet at a 45 to 60 degree angle, knees unlocked with weight on the back leg. Provide enough balance to lift the forward leg to protect against a kick without falling.

Body Area

Head/upper shoulder

Trunk/middle/stomach

Abdomen/genital area/legs

Protected By

shield formed by crossed forearms—never try to catch a punch

shield formed by crossed forearms – use sweeping motion to push away

shield formed by crossed forearms and left leg

Notify your supervisor as soon as possible after an incident. If the incident results in an injury to anybody, notify Employee Services. Complete an incident report and a first report of injury if applicable.

Referral

Workplace violence or any violence can create problems for employees and their families.

The City of Red Wing provides an Employee Assistance Program to employees and their family members free of charge.

Call 1-800-CALL EAP or 651-388-8309 or contact the Employee Services Division staff.

For further information, contact the Employee Services Director or City Council Administrator.

Section #20 – Non-Exempt Positions

Positions that are paid an hourly wage will be paid only for time that is actually worked. Non-exempt employees are expected to and may be required to work additional time over that which is regularly scheduled. Overtime shall be allocated as deemed appropriate with an attempt made to keep it as even as possible among employees equally qualified to do the job and in relation to primary job duties.

Overtime shall not be worked unless prior approval or direction is given by an authorized supervisor. Employees working longer than 40 hours in one workweek shall receive compensation at a rate of one and one half times their regular rate of pay. At the Employer's discretion, an employee may receive compensatory time off at a rate of one and one half times for each hour of overtime in lieu of overtime compensation.

Section #30 – Exempt Positions

Positions that are exempt under the FLSA shall be paid a fixed salary for a job regardless of the actual hours that have been worked by the employee. Exempt employees, including professionals, division/department heads, supervisors and administrative personnel are expected to work whatever time is necessary to complete their duties. These employees generally determine their own workday; however, job duties must be performed and employees must be available to supervisors and subordinates.

These employees may be absent from work for portions of the workday, but their immediate supervisors must be notified and they are responsible for their own work and that of their subordinates.

It is the intent that all such employees are exempt from overtime pay and that the wages and salaries paid include "overtime," "extra hours," and in all respects fully compensate the employee for all work and hours worked. In cases where significant job duties are added or an exceptional amount of on-the-job time is spent by an exempt employee due to unusual circumstances, additional compensation may be granted as deemed appropriate by the City Council Administrator, but only within approved budgetary appropriations, as documented in the Annual Pay and Classification Plan exhibit.

Pay for exempt employees shall be based on the annual salary, however, pro rata adjustments shall be based on a presumed 2080 work hours per year and an 8-hour, five-day workweek (Monday through Friday).

Section #40 – Organizational Structure

The City of Red Wing is a dynamic organization and thus its organizational structure may change. Departments are major areas, agencies or other subgroups which coordinate and direct the activities of two or more divisions. Divisions are major work groups of a similar type and usually headed by a director. Regardless of structure, the City of Red Wing must function as an overall unit and single organization.

Work Assignments

Some employees may be assigned to work in one or more departments or divisions. Work assignments can and will change as the organization works to establish its overall goals. Work assignments may be made on a temporary basis. All employees must keep in mind that the City of Red Wing functions as a team and all employees work for the organization as a whole, not just individual departments/divisions.

Lines of Responsibility and Authority

The City Council Administrator is the Chief Administrative Officer of the City. Subject only to specific contrary provisions in appointing and governing authority, the City Council Administrator has general supervisory and administrative authority over and coordination between all offices, divisions, division heads, departments and department heads and through any division or department head, the employees of every division or department.

The City Council Administrator shall at any time; in accordance with law, labor contract, or other agreement; and through any affected department head have the authority to hire, fire, promote, demote and transfer and assign, reward, adjust grievances, and discipline all city employees. The City Council shall determine appointments and terminations of city officers as provided for in the Charter.

Division and department heads have similar authority with the concurrence of the City Council Administrator over all employees of their respective division or department. Any such actions must be done in accordance with the approved budget, the pay and classification plan, and any other procedures adopted by the City Council. Individual employees will normally report to their respective supervisor, department head, or assistant department head for orders, direction, assistance and other requests. Division and free-standing department heads report directly to the City Council Administrator.

Section #50 – Discipline

Discipline includes, but is not limited to: reprimands, suspensions, demotions and discharge. Discipline will be imposed at the discretion of the employer based on the circumstances involved. Normally, discipline is administered by an employee's supervisor, but discipline can originate from any supervisor with authority over an employee. Records of written disciplinary action will be permanently maintained in the City's personnel file about that employee, maintained in Employee Services.

Job Counseling/Coaching Intervention

The City of Red Wing is committed to a good working relationship with its employees and to assisting employees in maintaining good job performance. Open communication regarding problems with employee performance helps ensure that relatively minor

performance concerns are addressed and corrected as soon as possible, before becoming chronic or serious. It is recognized that on some occasions, employees may need job counseling or coaching from their supervisors or others on a non-disciplinary level.

Beginning Employees

Job counseling/coaching does not apply to beginning employees. The City of Red Wing reserves the right to terminate beginning employees at any time during their beginning period, for any reason or for no specific reason. The City of Red Wing may choose, at its discretion, to issue counseling/coaching documents to beginning employees, which may be used as a basis for extending probation or terminating the beginning employee's employment, as the supervisor shall see fit. Such counseling/coaching documents may be placed in the beginning employee's personnel file, but shall be removed once the employee becomes a regular employee.

Non-Beginning Employees

Non-disciplinary interventions involving employees who have completed beginning periods should generally be dealt with through job counseling/coaching. Depending upon the significance of the performance concern, the following methods may be utilized:

- A. **Informal Discussion.** Generally, when a performance problem is first identified, the problem should be thoroughly discussed with the employee. Bringing the problem to the attention of the employee is often enough to prompt him or her to correct it willingly. The supervisor may later raise the concern in the employee's performance review.
- B. **Counseling/Coaching.** If a private informal discussion with the employee has not resulted in corrective action or if, in the supervisor's judgment, the problem warrants more significant action, the supervisor should meet with the employee. During the meeting, the supervisor should: (a) review the problem, (b) permit the employee to present his or her views on the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in disciplinary action that may include discharge and (e) issue a counseling/coaching notice to the employee.

This counseling/coaching notice will not be placed in the official City of Red Wing personnel file of the employee being coached. A copy will be placed in the supervisor's file. Pursuant to the Minnesota Government Data Practices Act, Minnesota Statutes, Section 13.43, as amended, the document constitutes data on the employee.

A supervisor shall note and paraphrase the counseling/coaching incident in the employee's six-month or annual performance review and shall note the status. (e.g., no further problems, continuing to monitor, concern is escalated to further discipline etc.) The counseling/coaching notice will not be attached to the

performance appraisal. The form may be destroyed, based on an employee's improvement.

While supervisors are encouraged to use the counseling/coaching form, this is not a requirement and other documentation of job counseling/coaching intervention will be accepted as well.

Disciplinary Action for Failure to Correct

Employees who fail to correct performance problems or issues addressed by counseling/coaching interventions will be subject to disciplinary action including reprimands, suspensions, demotions and discharge, depending upon the nature and severity of the conduct. While counseling/coaching notices will not be considered disciplinary in nature and will not be placed in the employee's official personnel file, such documentation will be used as evidence of a failure to correct an identified problem and the fact that an employee was previously warned of the problem.

Section #60 –Grievances and Arbitration

Any grievances or arbitration proceedings filed by employees who are in a union will proceed pursuant to the applicable Collective Bargaining Agreement.

Appeals of a decision from the City Council Administrator may be made to the City Council. The employee has the choice to have the appeal heard by the City Council either in a public setting or a closed session per MN statute. The employee request shall include in writing that the employees wishes to be on the next regularly scheduled City Council meeting agenda asking for an appeal to be heard.

All claims, disputes, or issues related to terms and conditions of employment or arising out of the employment relationship, except termination of employment, must be submitted for resolution exclusively through arbitration. Judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof, only after all internal resolutions have been exhausted. This agreement to arbitrate specifically includes all state and federal statutory claims¹ to the extent permitted by law as well as all common law contract and tort claims relating to or arising out of the employment relationship or termination of employment, except claims under the Workers' Compensation Act.

Section #70 – Employment Policy

Employment of competent and qualified personnel in compliance with all pertinent laws and government regulations is essential to the City of Red Wing's success.

¹ Including, but not limited to, state discrimination claims under the Minnesota Human Rights Act; the Whistleblower Act; and all Federal claims under the Family Medical Leave Act, the Older Workers Benefit Protection Act, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Civil Rights Act, the Fair Labor Standards Act, and Title VII.

Equal Opportunity

The City of Red Wing is an Equal Employment Opportunity employer. These policies and practices will be communicated to all personnel regarding recruitment.

Applicants will be treated fairly and evaluated on job-relevant skills, such as competence, previous training, educational attainment, skills tests, oral interviews or other acceptable criteria. All employment procedures will comply with relevant statutes.

Section #80 –Selection

It is the City of Red Wing's policy to select the most qualified individuals for employment.

Hiring Authorization

The Personnel Committee will make recommendations to the City Council to authorize all hiring of new, regular positions.

If multiple new employees are to be hired, the request to the Personnel Committee will document the number of employees to be placed into the requested position. This allows the Personnel Committee and the City Council to be informed of and involved in new position costs that affect the city budgets. This provides an opportunity to review the staffing level of the department and to explore the possibility of some reorganization. Department/division heads will need to show that they indeed have considered options for reorganization and will need to document the reasoning behind the request for new positions.

The Personnel Committee may authorize the Employee Services Director to hire for replacement positions where employees resign or retire and are budgeted positions and there is no restructuring within the department.

The proper grade/classification will be identified, the proper method for filling the vacancy approved, and the existence of budgetary authorization documented. The City Council will have the final approval of all new positions. In all positions covered by a union contract, the provisions therein will prevail and the provisions of this policy will only apply when not inconsistent with the union contract.

Vacancies may be filled by any of the following methods:

1. From an appropriate layoff list of a formal bargaining unit, if such exists.
2. By rehiring, at the City of Red Wing's sole discretion, a former employee who left the City in good standing and now wishes to return to the City's employment.

3. By internal promotion or transfer, at the City of Red Wing's sole discretion, of an employee employed on a regular basis who at least meets the minimum qualifications necessary to adequately perform the duties of the position. If the position is not filled by a promotion or transfer, notice of these job opportunities will be posted on Official City Bulletin Boards and on the City website. Employees may respond to the notice by making application with Employee Services or other prescribed procedure.
4. By a provisional appointment when there is no appropriate eligibility list and the immediate need for filling a position exists. The appointment must be authorized by the City Council Administrator.
5. By open application utilizing public job announcement and recruitment.

If the position is covered by Veteran's Preference, a 100-point test will be used to establish an eligibility list and finalists.

Open Procedures

The department head or other supervisor shall prepare a job announcement for approval by the Employee Services Director. After the announcement is approved by the Employee Services Director, it may be posted in municipal buildings and other public places. The announcement shall specify the title, pay range, state the nature of the work to be performed, minimum qualifications, qualifications desirable, the time, place and manner of making application and the closing date for receiving the application. Other appropriate means of publicizing job openings may be utilized.

Vacant positions available for public application will be advertised in the official local paper consistent with the City's Equal Employment Organization (EEO) recruitment practices. Job vacancies shall remain open for a sufficient period of time to ensure reasonable opportunity for qualified persons to apply and be considered for employment.

Employment Application

Anyone wishing to be considered for an employment opening must complete an employment application form in a timely and complete manner. Applications shall be made on forms prescribed by the Employee Services Director.

Initial Evaluation

All applicants will be reviewed and scored based on initial qualifying criteria, ranked, and an initial eligibility list developed. When a position is covered by Veteran's Preference, a 100-point "test" will be utilized and any documented and requested Veteran's Preference points added. A list of eligible individuals will be given to the Department/Division Head for consideration. For Minnesota Data Practices purposes, this list, unless otherwise classified, shall be deemed finalists.

Evaluation of Applicants

All eligible individuals shall be evaluated by the affected department/division head or appropriate authority. The final evaluation process may consist of one or any combination of the following selection techniques or methods to fairly test the qualification of candidates:

- ability tests
- achievement tests
- performance tests
- ratings of experience and training
- oral tests
- evaluation of daily work performance
- physical agility tests
- work samples
- oral and/or written interviews
- physical or medical examinations
- driver's license checks
- references and/or background investigations
- psychological evaluations
- other acceptable selection techniques

Some of these may not be part of the evaluation process, but a condition of employment. Any method(s) chosen shall evaluate only those criteria necessary to perform satisfactorily in the position and essential job functions. Examinations shall be held at such times and places as most nearly meet the practicability of administration, needs of the service and convenience of applicants.

Any applicant not selected will return to the eligibility list, however, final evaluation tests previously taken and passed may be waived.

Selection and Notification

The selected candidate shall be notified of the decision in writing. The notification shall include the employment date, starting time, salary/wage and a list of benefits. Those not selected shall also be notified in writing.

Retention of Applications

All applications shall be kept a minimum of 12 months. . Thereafter, only the applications of those contained on the eligibility list shall be retained for a maximum period of 24 months or length of eligibility. The eligibility list may be used to fill future vacancies.

Exemptions

In cases of vacancies in key management positions, alternative procedures such as the use of executive search professionals, citizen evaluation committees, or other procedures may be used.

Given the length of anticipated employment and/or the amount of expertise required, open procedures may be abbreviated for seasonal/temporary or casual employees, however, it is the policy of the City of Red Wing to advertise positions locally whenever possible.

Section #90 – Personnel Data

It is important that permanent personnel records be kept accurate and up-to-date. Employees must notify the Employee Services Division immediately when there is a change in any of the following:

- Name
- Address
- Residence phone number
- Beneficiaries for life insurance and pensions
- Name of person to contact in case of an emergency
- Insurance plan
- Job qualifications (loss of driver's license or other license required for their job)

The City of Red Wing's personnel records are maintained in the Employee Services Division offices. In some cases, supplemental personnel information is kept in a supervisor file. Data is kept in individual personnel files, certain department files, finance files and computer files. Included is information needed to supervise employees, administer employee benefits and payroll, and to complete required federal and state reports.

Examples of data are: address, telephone number, social security number, person to notify in case of emergency, insurance and pension beneficiaries, wage history, occupational injury and illness reports, sex, job grade/classification, department, medical records, injuries, job performance evaluations, disciplinary actions, commendations and other similar information. No information is retained unless required for a specific purpose.

The City of Red Wing is required to comply with the Minnesota Government Data Practices Act, Minnesota Statutes, Section 13, et. seq. as amended. Such information may only be used for legitimate purposes. Employees, in most cases, have the right to know exactly what data is being retained, where it is kept and how it is used. The Data Practices Law governs what information is public and what is private, or confidential.

Unless the Data Practices Law otherwise provides, a personnel file may be reviewed by the employee. To see any data retained therein, contact the Employee Services Division to arrange a time for such a review. Employees may also inquire about how this information

is used and who has access to it. An Information Disclosure Request Form must be completed and signed by any employee wishing to view the personnel file regarding that employee.

Section #100 – Employment References and Verification

Any telephone or written requests for employment verifications, job references, etc. should be immediately referred or transferred to the Employee Services Division. No attempt should be made by employees to respond to such requests.

Public Information (No Release Needed)

Credit checks, often referred to as “employment verifications” are typical examples of public requests for information. When applying for credit cards, loans, or other credit related items, the company may contact the City of Red Wing to verify job title, dates of employment, and wage information. When receiving an oral request, the City of Red Wing will only release starting and ending employment dates, wages, and position title. Requests for additional information must be submitted in writing and be in accordance with the City Data Practices Policy.

On occasion the City of Red Wing will be requested to provide a “reference check” or “job reference” on current and former employees. The City of Red Wing is obligated under the Minnesota Government Data Practices Act to provide public data upon request, including the employee’s name, actual gross salary, job title, job description, education, and training background, previous work experience, date of first and last employment, the existence and status of any complaints or charges against the employee, and the final disposition of any disciplinary action, together with the specific reasons for the action. All inquiries should be directed to Employee Services.

Private Information (Release Needed)

When appropriate, liability and data releases or other items to be obtained have been signed and approved by the Employee Services Division, private personnel data such as performance evaluations and charges and complaints that do not result in disciplinary action may be released. The City of Red Wing will not provide references for employees who have committed acts of violence, sexual/racial harassment, or other misconduct.

Letters of Recommendation

Letters of recommendation may be written by department/division heads with final review and approval by the Employee Services Division. Letters of recommendation will not contain any false or misleading information. In the event the City of Red Wing agrees to provide a letter of recommendation, it will be mailed directly to the employee/former employee, not to the prospective employer, with a copy of the letter dated and retained in the employee’s personnel file at City Hall.

Section #110 – Employment-at-Will

The City of Red Wing maintains an at-will employment relationship with all employees unless otherwise established by union contract or other statute or agreement covering specific employees or positions. All employees will serve a minimum six month beginning period. During the beginning period, employees will be evaluated for job proficiency and compatibility. After the six month period, all employees will receive a written performance review. A satisfactory performance review is required before an employee may be granted regular status.

The City of Red Wing and/or employee may terminate the employment relationship at any time without cause or reason, subject only to applicable laws (including City Code and Charter) which, among other things, prohibit discrimination against protected classes and provide the requirement to give reasons for discharge when requested by the employee in writing.

Section #120 – Residency Requirements

The City of Red Wing has no general restrictions relative to where employees maintain their individual residences. The only requirement is that employees be able to regularly report to work on time and, when applicable, are available for callback in emergency situations within a reasonable time. Some positions, as a condition of employment, may have necessary job-related response time or area residency requirements allowed by law. In such cases the requirements will be clearly communicated to affected employees and applicants for such positions.

Effective January 1, 2012, this policy clarifies and establishes a response time residency requirement for all licensed police officers, licensed paid on call firefighters, licensed firefighter/paramedics, and public works employees. This policy does not include clerical workers or individuals that would not be required to respond to city emergencies.

I. Authority

This policy, establishing a response time residency requirement, is enacted pursuant to Minnesota Statutes, Section 415.16, as amended.

II. Definitions

- A. **Domicile:** The bodily presence of a person in a place coupled with an intent to make such a place one's home. The domicile of any person is that place in which that person's habitation is fixed, without any present intentions of removal therefrom, and to which, whenever absent, that person intends to return. An individual can only have one domicile at a particular time. A domicile once shown to exist is presumed to continue until the contrary is shown. A clear intention to establish a new domicile

is necessary for a person's domicile to change. In the absence of such a clear intention, the existing domicile continues.

- B. Dwelling: A structure capable of being used as a location of fixed habitation, whether or not it is actually used as such.
- C. Primary Work Station: In the case of paid on call firefighters and firefighters/paramedics, it is the fire station located at 420 Plum Street, Red Wing, Minnesota 55066; in the case of full-time police officers, it is the Law Enforcement Center located at 430 W. 6th Street, Red Wing, Minnesota 55066; and in the case of public works employees, it is the building located at 229 Tyler Road North, Red Wing, Minnesota 55066.
- D. Residence: A structure capable of being used as a location of fixed habitation that the person actually uses as such.

III. Purpose

- A. The City is enacting these response time residency requirements to ensure that its emergency staff is readily available in the case of an emergency. Providing adequate resources and personnel for emergency services is a critical function of public safety. Public safety is continually challenged to provide adequate and appropriate staffing levels for initial response as well as for expanding emergency situations.

An appropriately designed and implemented system and procedure for the recall of off-duty personnel can help overcome these challenges as well as providing added operational safety and proficiency. Although emergency situations vary in nature and scope, they have common emergency objectives: 1) life safety – protection of life and injury reduction; 2) preservation of property and the environment; 3) incident stabilization – restoration of order; 4) proper notification of appropriate authorities; 5) incident command responsibilities; 6) collection and preservation of evidence; and 7) proper recording of all actions and reporting.

All public works employees, full-time police officers, paid on call firefighters and firefighters/paramedics may be required to assist in emergency situations. The remainder of this paragraph describes examples of such emergencies; it is not meant to be an exhaustive list. Public works employees may be required to respond to emergency weather situations or emergencies in which a water main breaks or a sewer line backs up. Police officers may be required to respond to emergency situations at the nuclear power plant or emergencies involving riots or civil unrest. Additionally, the position of a police K-9 Handler is a specialty position. Police K-9 Handlers are generally required to respond to emergency situations where time is particularly of the essence, and as a consequence, the Response Time Zone

as defined in Section IV (A) below is shorter for K-9 units than for other police officers.

Paid on call firefighters and firefighters/paramedics may be required to respond to emergency situations where buildings or forests are on fire, emergency situations at the nuclear power plant or situations where there have been mass injuries. The fact that City firefighter/paramedics also provide ambulance services means that they may be called upon to provide emergency medical treatment in situations where time is of the essence. These specific work duties of firefighters/paramedics justify that they be required to respond in a shorter time period than police and public works employees. As a consequence, the Response Time Zone as defined in Section IV (A) below is shorter for paid on call firefighters and firefighters/paramedics.

- B. This policy does not intend to regulate an employee's off-duty conduct or marital situation. This policy intends to maximize the probability that employees will be available in the case of an emergency.

IV. Response Time Residency Rules

A. General Rule

With the exception of K-9 handlers who must be domiciled within a 15 minute driving distance of their Primary Work Station, all full-time police officers must be domiciled within a 30 minute driving distance of their Primary Work Station (the "Response Time Zone"). All paid on call firefighters and firefighters/paramedics must be domiciled within a 20 minute driving distance of their Primary Work Station (the "Response Time Zone"). All public work employees must be domiciled within a 40 minute driving distance of their Primary Work Station (the "Response Time Zone"). The driving time shall be defined as that period of time from departure of the employee's domicile to the primary work station and shall be the average of at least three but not more than five trips. Such testing trips shall not be performed during rush hour traffic, times when there is an accident along the driving route, or during periods of inclement weather. The department head or his/her designee must observe all applicable speed limits and traffic regulations when determining the applicable driving time.

B. Impermissible Arrangements

A living arrangement shall be deemed out of compliance with the response time residency requirement in the following cases:

1. The employee maintains a domicile outside of the Response Time Zone, even if the employee also maintains a secondary Residence within the Response Time Zone.

2. The employee initially maintains a domicile outside of the Response Time Zone and, in an attempt to comply with the residency requirement, purchases, rents, or otherwise acquires an additional dwelling within the Response Time Zone without selling or evidencing the immediate intention to sell the original domicile.

Note: The above list is not meant to be exhaustive. An analysis of the particular facts of a given situation determines whether or not an employee is domiciled within the Response Time Zone.

Reasoning:

The above listed situations have been deemed impermissible because they most strongly suggest that the employee is not attempting to comply with the purpose of this policy, which is to be available in case of emergency. The response time residency requirement is being imposed to maximize the probability that an employee will be in a position to promptly respond to an emergency while off-duty. If an employee maintains a living arrangement which all but assures that he or she will be outside of the Response Time Zone the majority of the time when he or she is not on duty or on call, the employee would not be complying with the intent of this policy.

C. Permissible Arrangements.

While employees must maintain their domiciles within the Response Time Zone, they may also permissibly maintain or acquire the following additional living arrangements:

1. Lake or vacation homes.
2. Property acquired primarily for investment purposes.
3. Property acquired for purposes of renting to third parties.

Note: This list of permissible additional arrangements is not meant to be exhaustive.

D. Factors Considered in Determining Domicile

The City will consider a variety of factors, including, but not limited to, the following in determining whether or not a person is domiciled in the Response Time Zone:

1. Location of domicile for prior years.
2. Where the person votes or is registered to vote.

3. Location of newly acquired living quarters whether owned or rented.
4. Present status of the former living quarters, e.g., whether it was sold, offered for sale, rented, or available for rent to another.
5. Whether homestead status has been requested and/or obtained for property tax purposes on newly purchased living quarters and whether the homestead status of the former living quarters has not been renewed.
6. Ownership of other real property.
7. Jurisdiction in which a valid driver's license was issued.
8. Location of business relationships and the place where business is transacted. (For example, the location of where the employee banks and/or receives medical or dental services. Other business relationships may also be considered.)
9. Percentage of time (not counting hours of employment) that the person is physically present in the Response Time Zone and the percentage of time (not counting hours of employment) that the person is physically present outside of the Response Time Zone.
10. Location of schools at which the person or the person's spouse or children attend.

Any one of the items listed above will not, by itself, determine domicile.

V. Applicability.

This policy is meant to apply primarily to new employees. The requirements in this policy will not apply to existing employees unless the employee establishes a new domicile that is non-conforming. For example, if an existing employee's domicile at the time this policy is enacted does not conform to the requirements of this policy, the employee can continue to maintain that specific domicile. If however, the employee establishes a new domicile, the new domicile must meet the requirements of this policy.

VI. Process for Assessing and Handling Policy Violations.

A. For New Applicants.

1. As part of the employment application process, the City will inquire into the applicant's domicile for purposes of compliance with this

policy. An applicant may be disqualified from consideration if it appears that their domicile is in violation of this policy.

2. A job applicant whose domicile violates this policy may nonetheless be offered employment contingent upon coming into compliance with this policy within an agreed upon period of time, which in no event shall exceed the employee's applicable probationary period. If the applicant/employee has not come into compliance with the policy within that time, he/she will be deemed to have voluntarily quit and the City will send him/her a notice that the employment relationship has been severed.

Note: If a new employee's probationary period is extended, the amount of time that the employee has to come into compliance with this policy may also be extended up to the length of the new probationary period upon approval of the City Council Administrator.

3. If a job applicant is given a position, but it later appears that he/she was not in compliance with this Policy during the application process and that the applicant lied or materially misrepresented his/her domicile in order to get the job, the employee will be summarily dismissed from employment. In such a case, the notice requirement and opportunity to cure, described in Section V (B) below, do not apply.

B. For Existing Employees who have a Change in Domicile.

1. Either upon the report of a potential violation of this policy, or upon its own initiative, the City may investigate the domicile of any of its existing employees who have experienced a change in domicile, as described in Section V above. In this investigation, the City will consider the totality of the circumstances and the factors set forth in Section IV (D). During this investigation, the employee may be asked to provide information about their domicile and other residences and/or dwellings.
2. If, after the investigation has been conducted, it is determined that the employee is in violation of this policy, the employee will be provided with written notice of this fact, along with a description of the precise violation. The notice will indicate that the employee has six months to remedy the violation, or it will be deemed that the employee has voluntarily quit his/her employment. The notice will also indicate that if the employee presently has any evidence, not previously submitted, which suggests that he/she may not be in violation of this policy, the employee is welcome to submit this information to the City within one week of his/her receipt of the letter.

3. If additional information is submitted, the City will evaluate the information and will inform the employee, in writing, whether or not the new information has resulted in a change in its determination that there has been a policy violation at least a month prior to the compliance deadline indicated above. However, it should be noted that the mere submission of additional evidence will not alter the above mentioned deadline for correcting the defect in the employee's domicile.
4. If the employee has not corrected the defect in his or her domicile within six months of receiving the initial notice, the employee will be deemed to have voluntarily quit and the City will send the employee a notice that the employment relationship has been severed.

Section #130 – Working Hours

Workweek

The working time per week shall normally be 40 hours. However, exempt employees, administrative personnel, division heads, department heads, and supervisors are required to work additional hours as necessary to meet existing conditions or emergency contingencies. All employees are subject to "callback" in emergency or other necessary situations. Unless changed by the City Council Administrator, the workweek begins at 12:01 a.m. on Monday.

Hours of Work

The hours during which City offices and departments shall be on duty or open for business shall be determined by each department head with the approval of the City Council Administrator or other entity of the City.

Attendance

Employees shall be at their place of work at the normal appointed and scheduled starting time and in accordance with this policy and other general or departmental regulations. All department heads shall maintain daily attendance records on each employee including time cards to be completed by the employee and approved by his/her supervisor and submitted by the department head to the Employee Services Division on or before the established payroll deadline to allow for payroll processing.

- a. **Standby Duty.** Employees who are on-call (standby duty) must be readily available and able to report to work immediately. Normally, these employees will be provided two-way radios, mobile phones or pagers. Employees must keep in contact with dispatchers as to their location. Appropriate response time or area requirements may be placed on employees on standby duty.

- b. Callback.** All employees are subject to callback and must report immediately or, in the case of serious weather or other reasonable limiting factors, as soon as practicable. Employees and supervisors providing essential services should attempt to keep each other informed as to their general off-duty whereabouts so as to assure adequate response time in case of an emergency.

Work Schedule

The work schedule for each non-exempt employee shall be developed by the supervisor. The schedule shall include starting time, rest break, coffee time, lunch period, quitting time and the task to be accomplished or the job to be performed. Hourly employees are considered on duty while on paid time and shall keep any personal business to a minimum. Excessive engagement in personal business shall be considered theft of time from the City of Red Wing. Examples are punching in late, punching out early, doing personal business, phone calls, internet usage, etc.

Exempt employee schedules are flexible in accordance with Section #30. The work schedule may be communicated to the employee verbally or in written form.

Lunch Period

Non-exempt employee lunch periods are unpaid, and may be either one hour or 30 minutes long and shall generally be taken at approximately the same time each day. With the approval of or by action of an employee's supervisor, lunch periods may be taken earlier or delayed on any day when a natural break in work has or will occur different from the scheduled time and increased effectiveness or efficiency can be gained by altering the normal time.

Rest Periods/Breaks

The purpose of rest periods is to provide short breaks from the regular work period to mentally and physically refresh.

When authorized and scheduled by a department head/supervisor, non-exempt employees may take a 15-minute rest period for each approximate four hours of work. As much as practical, rest breaks shall be scheduled at the midpoint of said period. Rest periods may not be taken at the beginning or end of the scheduled workday.

Rest periods are paid time; therefore, they shall never interfere with the proper performance of work responsibilities or work schedules of each department. Any employee whose rest break is materially interrupted for necessary job duties shall receive additional time to provide for a combined 15-minute rest period. The rest period commences when work ceases and stops when work starts. Travel time is part of the rest period time. Rest periods may be restricted to the job site.

Section #140 – Personal Appearance

All employees shall be neat, clean and dress in a manner which will foster both employee and public confidence. Regardless of whether a person is assigned to an office function or maintenance area, appropriate clothing, and when applicable, City-provided clothing, must be worn for the protection of an employee and for the purpose of presenting a positive image to the public. Field employees will wear clothing conducive to existing working conditions (weather, personal protective gear) and approved by their supervisor.

In addition to proper dress, employees are expected to present a clean, neat and business-like appearance in office setting areas. Denim is prohibited except for designated days as listed below. All employees are prohibited from wearing hairstyles, clothing, piercings, or jewelry that does not present a professional appearance. Tattoos anywhere on the body that are obscene; advocate sexual, racial, ethnic, or religious discrimination; or are otherwise unprofessional or would detract from a business-like appearance are prohibited and must remain covered at all times. Please contact your supervisor for any specific uniforms and grooming standards in your work area.

On designated days, as approved by the Department Head or City Council Administrator, employees may observe a “casual dress day,” that may be related to special interest activities e.g. casual Friday, clean up office days, City promotional events, etc. Casual dress day means that exceptions to the dress code will be permitted. Examples: denim, t-shirts, tennis shoes, etc.

Examples of inappropriate attire in the workplace include:

Tops - t-shirts, hooded sweatshirts, sleeveless T-shirts, halter tops, tank tops, midriff tops, low-cut tops.

Bottoms – all denim, micro/miniskirts, shorts, sweatpants, athletic wear pants/shorts, cargo pants.

Shoes - flip flops and sandals that expose the majority of the foot, athletic shoes, walking shoes, hiking shoes, tennis shoes, canvas shoes.

Shoes must provide safe, secure footing, offer protection against hazards and should be appropriate for employee’s work environment. Exceptions will be made for individuals who have foot issues that require more supportive shoes.

Miscellaneous - tight shorts, low cut clothing, vendor (actual or potential) supplied logo merchandise, overalls, ripped or patched clothing, sheer clothing, distracting or derogatory clothing (offensive language or political statement).

Employee shall avoid wearing accessories on their clothing or person that could present a safety and/or infection hazard, or are embarrassing or offensive to the public, visitors, or other employees.

Uniforms may be standard attire in designated departments. For such designated departments, please refer to your Department Head.

This list is not intended to be exhaustive of all clothing, footwear and jewelry that is inappropriate, offensive, or unsafe.

Personal Hygiene: Employees are responsible for maintaining appropriate levels of personal hygiene.

Examples of appropriate hygiene

- a. Daily oral hygiene.
- b. Clean body and minimized body odors.
- c. No heavily scented perfumes, colognes and lotions.
- d. Clean and trimmed fingernails.
- e. Neat and well groomed hair, sideburns, mustaches and beards
- f. No artificial colors that would be considered "extreme".
- g. Appropriate make-up for business setting.

Employees should avoid wearing any product that produces a scent that is strong enough to be perceived by others including, but not limited to: colognes, perfumes, after-shave products, lotions, powders, deodorants, hair sprays and other hair products, and other personal products.

Department/Division Heads may consult with the Employee Services Director and are responsible for enforcing this personal appearance policy within their areas of responsibility. This includes counseling employees who are inappropriately dressed. If an employee dresses inappropriately, he or she may be sent home without pay to change clothes. Repeated disregard for the dress policy may result in disciplinary action.

Religious, Racial, Gender-Specific or Ethnic Attire: Nothing in this policy is intended to hinder the advancement of diversity at the institution. Reasonable accommodations may be provided when related to guarantees under Title VII and in accordance with the Equal Employment and Affirmative Action Policy.

Section #150 – Communication

It is the City's policy to promote and maintain open communication with employees.

Personnel Policy Manual

All regular employees shall be given an initial copy of the Personnel Policy Manual. Amendments will be distributed to all department heads who will make copies available to employees. Union representatives will be given a copy of the Personnel Policy Manual and as changes occur the amendments will be distributed. When in doubt employees have unrestricted access to a complete, updated official copy in the City Clerk's Office and

posted on the City's network ("Everyone" directory). Each employee is encouraged to familiarize him/herself with personnel policies as provided in the handbook.

This Personnel Policy is meant to be a guide for the City of Red Wing and its employees in the conduct of the city's business, and nothing herein shall be construed to constitute a contract of employment, either express or implied, nor shall anything contained herein be construed to modify the employment-at-will relationship.

Safety and Loss Prevention Manual

Each department and union representative will be given a copy of the City of Red Wing Safety and Loss Prevention Manual. All employees are charged with the responsibility for cooperating with and supporting the safety and loss prevention program. Every employee is expected to concern himself/herself with his/her own safety, the safety of his/her fellow workers, and the safety of the general public affected by the City of Red Wing operations.

Official Bulletin Boards

One official employee bulletin board is located in each of the following locations: City Hall, the Police Department, Fire Department, Oakwood Cemetery, Burnside Cemetery, CSO Building, Colvill Park, Public Works Building, Twin Bluff Water Treatment Plant, the City Lab, Solid Waste Campus, and the Public Library. These bulletin boards shall be clearly labeled and divided to allow sufficient room for official City communications. These bulletin boards are intended as a consistent, accessible means for employees to obtain current information through memos, procedures, policies, job postings, etc. The City's website may also be consulted for current information.

Group/Individualized Communication

In addition to the Personnel Policy Manual and Safety and Loss Prevention Manual; employee newsletters, memos, letters, other handbooks, official bulletin boards, City website and supervisory verbal communication will be the normal means for maintaining group and individualized communication.

Employee/Supervisor Communications

Communication shall be open. Open communication means a two-way process. An efficient working environment can only be maintained if supervisors encourage and listen to employee's opinions or comments and if employees look for opportunities to express their thoughts constructively.

1. It is the supervisor's responsibility to make themselves available to their employees for open communication.

2. It is each employee's responsibility to enhance the work environment through open and courteous communication with fellow employees regardless of status or department.
3. Employees are encouraged to follow the established lines of authority for inquiries or problems. However, if the inquiry or problem personally involves the employee's supervisor, and the employee believes it cannot be viewed objectively or without malice, the employee may contact the next level of supervision or authority without prejudice or fear of any retribution. An employee in doubt as to who he/she may contact for assistance in identifying the proper organizational structure should contact the Employee Services Division.

Section #160 – Nepotism or Favoritism

City employment is based on education, experience, merit and job performance. The City of Red Wing strictly forbids any form of nepotism - the employment of an individual as a result of any basis other than merit, ability to do the job and other legitimate job evaluation factors.

The City of Red Wing will not discriminate against employees or prospective employees because of marital status or other close relationships. Favoritism for any reason is strictly forbidden. Relatives of current City employees may be considered for employment unless there is a conflict of interest. For purposes of this policy, relative means spouse, mother, father, son, daughter, brother, sister, grandchild, grandparent, niece, nephew, legal guardian or any of these met by a step or in-law relationship. Examples of situations constituting a conflict of interest include:

- When an employee would directly supervise or take part in the decision to hire, retain, promote or evaluate a relative.
- When an employee would be responsible for auditing the work of a relative.
- When confidentiality of information held by the City would be jeopardized.
- When there is potential for or appearance of inappropriate influence relating to policy decisions.

The City shall prohibit any supervisory personnel from having a personal relationship with a subordinate and/or hiring an individual with whom they have a personal relationship. For purposes of this policy, personal relationship shall mean a relationship involving a Supervisor and a Subordinate, which includes dating, romantic involvement, sexual relations or the exchange of affections.

If a personal relationship exists or develops between two City employees in a work group, the City of Red Wing will attempt to accommodate the situation by reassignment so as to avoid a continuous direct in-line supervisory relationship or being assigned to the same work team/crew. If this cannot be accomplished by one of the employees voluntarily resigning, the City of Red Wing may terminate one or both.

Any employee who feels that nepotism or favoritism is occurring, is encouraged to discuss the situation without fear of retribution (using the "chain of command") with City management staff that are not a related or involved party. If it appears that family or private relationships are interfering with job performance, morale or other important work-related factors, the situation must be immediately rectified or disciplinary action against the offending parties will be taken, possibly including termination. Supervisors have a special duty to monitor for violations of this policy.

Section #170 – Alcohol and Drugs (Alcohol and Drug-Free Policy)

Purpose

It is the purpose of the City of Red Wing to provide an alcohol and drug-free work environment. The city's goal is to establish and maintain a healthy and efficient workforce free from the effects of alcohol abuse in compliance with applicable Minnesota State law and the Drug-Free Workplace Act of 1988. Nothing set forth in this policy is intended to conflict with state or federal law. It is also the purpose of this policy is to ensure employees understand the prohibitions of alcohol and drugs in the workplace.

This policy is considered part of the City of Red Wing's drug-free awareness program and fulfills the notification requirements of the federal Drug-Free Workplace Act of 1988. The Drug-Free Awareness Program will be ongoing and will inform employees and volunteers of the dangers of drug and alcohol abuse, explain the City of Red Wing's Drug-Free Workplace Policy and the sanctions imposed for its violation, and provides information regarding evaluation, treatment, counseling and rehabilitation referral services that may be available to employees. Details on the program will be provided to employees/volunteers upon adoption of this policy, upon request and during ongoing training sessions.

Employee Education and Assistance Programs

To assist employees/volunteers in understanding the perils of drug and alcohol abuse, the city will provide training and education. The City of Red Wing has established a Drug-Free Awareness Program. The program will inform employees and volunteers of the dangers of drug and alcohol abuse, explain the City of Red Wing's Drug and Alcohol Policies and Testing Policy and the sanctions imposed for its violation, and highlight any treatment, counseling, and rehabilitation referral services that may be available to employees.

The City of Red Wing recognizes that drug and alcohol abuse may become a potential health, safety and security problem and that help may be needed when dealing with drug and alcohol problems. The City of Red Wing provides an Employee Assistance Program to aid and assist city employees who are in need of or have been referred for drug and alcohol counseling and rehabilitation. Employees are encouraged to utilize the services of the Employee Assistance Program (EAP). Look on your department's bulletin board or talk with your supervisor or the Employee Services Director for information on EAP.

Conditions

Employees and volunteers are required to report to work on time and in appropriate mental and physical condition for work. As a condition of employment/appointment or permission to volunteer, each and every employee or volunteer of the City will receive a copy of the policy and must abide by the terms of this policy.

Disciplinary Action

Violation of this policy is a serious offense. Any disciplinary action taken will be subject to the bargaining unit contract or City of Red Wing personnel policies for employees not covered by a bargaining unit contract, and subject to any grievance procedure.

Alcohol-Free Workplace

Unless specifically authorized as part of the employee or volunteer's work duties, no employee or volunteer shall use, possess, manufacture, distribute, dispense, sell, or transfer alcohol, or be under the influence of alcohol while:

1. The employee or volunteer is working (this includes attending the Picnic, Banquet, Seminars, Annual Board & Commission, etc),
2. While the employee or volunteer is on the employer's premises, or
3. Operating the employer's vehicle, machinery or equipment

Exceptions:

1. This does not apply to an employee who is engaged in an official authorized law enforcement activity which may require the employee to possess, manufacture, distribute, dispense, sell or transfer alcohol or consume alcohol.
2. Employees not on duty may use or possess alcohol on city premises such as parks and parking lots when said use and possession is not prohibited to members of the general public or in conjunction with an authorized City of Red Wing event specifically approved.
3. Possession of alcohol while in an employee's personal vehicle on the cities premises in compliance with applicable statutory requirements.
4. Possession of alcohol while being transported in a city vehicle in compliance with applicable statutory requirements, and under the direction of the City Council Administrator.
5. Consumption, possession, sale, or purchase of alcohol when specifically authorized by the City Council Administrator under executive authority.

Drug-Free Workplace

Unless specifically authorized as part of the employee or volunteer's work duties, no employee or volunteer shall use, possess, manufacture, distribute, dispense, sell, solicit, or transfer drugs or drug paraphernalia or be under the influence of drugs while:

1. The employee or volunteer is working,
2. The employee or volunteer is on the employer's premises, or
3. Operating the employer's vehicle, machinery or equipment

Exceptions:

1. This does not apply to the authorized use of valid medical prescriptions to the extent the employee or volunteer's ability to safely perform their duties is not adversely affected. Employees/volunteers shall notify their supervisor of any possible side effects of medications that may adversely affect their job duties, of which they have been informed by their medical or health professional.
2. This does not apply to an employee who is engaged in a law enforcement activity which has received prior approval of the Chief of Police (or designee) and which requires the employee to possess, manufacture, distribute, dispense, solicit, sell or transfer drugs and drug paraphernalia.
3. This does not apply to Police personnel transporting or storing contraband or evidence within the normal scope and course of employment. Nothing set forth in this policy is intended to conflict with state or federal law.

As a condition of employment/appointment or permission to volunteer, each and every employee or volunteer of the City of Red Wing will receive a copy of the Alcohol and Drug-Free Workplace Policy and must abide by the terms of this policy.

Pursuant to the federal Drug-Free Workplace Act of 1988, any employee or volunteer that has been convicted under a criminal drug statute for a violation occurring on work premises while working/volunteering for the City of Red Wing must notify either their supervisor or Employee Services of the conviction within five days after the conviction. The City of Red Wing shall then notify the appropriate federal agency of such conviction within ten (10) days of receiving notice from the employee or volunteer.

An employee or volunteer convicted of a criminal drug offense committed in the course of employment will be subject to appropriate disciplinary action up to and including termination, or require the employee to undergo drug abuse evaluation and to participate in a counseling or rehabilitation program, whichever is more appropriate. The City of Red Wing, in its sole discretion, shall determine what action is appropriate based on the type of conviction. Any volunteer convicted of a criminal drug offense will be immediately removed from their volunteer status.

The City of Red Wing through its Employee Assistance Program may determine which program is more appropriate after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency. Action taken must be within 30 calendar days after receiving notice of the conviction.

Section #180 – Drug and Alcohol Testing Policy and Procedures

This policy establishes standards and procedures concerning drug and alcohol testing which all City of Red Wing employee's and job applicants must meet. 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 policy shall be governed by said policy (see the City of Red Wing's policy implementing the Federal Omnibus Transportation Employee Testing Act and related regulations).

The City of Red Wing's drug and alcohol testing policy will conform to the requirements of state law as set forth in Minnesota Statutes, Sections 181.950 - 181.957 as the same are amended from time to time. Certain job classes may not be subject to pre-employment testing, such as seasonal employees, volunteers, Council Members and Board and Commission members.

Testing Required

No person will be tested for drugs or alcohol under this policy without the person's consent. The employer shall require a job applicant or employee to undergo drug or alcohol testing only under the circumstances described in this policy:

1. Job Applicant: Job applicants are required to undergo drug and alcohol testing provided a conditional job offer has been made to the conditional employee and the same test is requested or required of all job applicants conditionally offered employment for that position. If the job offer is withdrawn, as provided in Minnesota Statutes, Section 181.953, Subdivision, 11, the City of Red Wing shall inform the job applicant of the reason for its action.

The employer may not withdraw a conditional offer of employment made contingent on the job applicant passing a drug test based on a positive test result from an initial screening test that has not been verified by a confirmatory test. Where there has been a positive test result in a confirmatory test and in any confirmatory retest, the employer may withdraw the conditional offer of employment.

2. Reasonable suspicion testing: A supervisor shall require an employee to submit to an alcohol or drug test when there is reasonable suspicion to believe the employee violated the alcohol and drug use prohibitions, is under the influence of drugs and alcohol based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, or an employee was involved in a work related accident that resulted in personal injury which

required admission to a hospital. A written record shall be made and maintained, of the observations leading to an alcohol or drug test, and signed by the supervisor who made the observations, within two hours. The supervisor should also try to have another supervisor present and also sign the Reasonable Suspicion form.

3. Other testing. The employer shall permit an employee who has requested a drug and alcohol test to undergo testing in accordance with the procedures established by this policy. This includes the discharge of a firearm by a police officer in the line of duty. The City of Red Wing will pay for this testing.

Refusal to Undergo Testing

1. Job applicants: If a job applicant refuses to undergo drug or alcohol testing requested or required by the employer, no such test shall be given, and the job applicant shall be deemed to have withdrawn the application for employment.
2. Employees: If an employee refuses to undergo drug or alcohol testing requested or required by the employer, no such test shall be given, and the test will be considered to be a positive test. The employee may be subject to discipline including, but not limited to discharge.

Procedure for Testing-Drugs

1. Notification Form. Before requesting an employee, volunteer or job applicant to undergo drug or alcohol testing, the employer shall provide the individual with a form on which to:
 - a. Acknowledge that the individual has seen a copy of the employer's drug and alcohol use and testing policy, and
 - b. Indicate consent to undergo the drug and alcohol testing.
2. Test Sample. The test sample shall be obtained in a private setting, and the procedures for taking the sample shall ensure privacy to the employee or job applicant to the extent practicable, consistent with preventing tampering with the sample, and may include a witness, and shall conform with applicable rules. No drug test sample shall be taken by a City of Red Wing employee.
3. Identification of Samples. Each sample shall be sealed into a suitable container free of any contamination that could affect test results. The sample shall be identified for processing by the licensed testing laboratory.
4. Chain of custody: The City of Red Wing shall use a collection facility and a testing laboratory which have established reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the samples to be tested. The procedures must require the following:

- a. Possession of a sample must be traceable to the employee from whom the sample is collected. From the time the sample is collected through the time the sample is delivered to the laboratory;
 - b. The sample must always be in the possession of, must always be in view of, or must be placed in a secured area by a person authorized to handle the sample;
 - c. A sample must be accompanied by a written chain-of-custody record; and
 - d. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.
5. Laboratory. The City of Red Wing shall use the services of a testing laboratory that meets the criteria for drug and alcohol testing listed in Minnesota Statutes, Section 181.953, Subdivision 1, as amended.
 6. Method of Analysis. The testing laboratory shall use methods of analysis and procedures to ensure reliable drug and alcohol testing results, including standards for initial screening tests and confirmatory tests.
 7. Retention and Storage: A laboratory shall retain and properly store for at least six months all samples that produced a positive result.

Procedure for Testing-Alcohol

1. If the screening test is positive and indicates a blood alcohol content of .040 percent or above, a confirmatory test shall be required by a certified test facility.

Notice of Test Results

A testing laboratory shall conduct a confirmatory test on all samples that produced a positive test result on an initial screening test. A laboratory shall disclose to the employer a written test result report for each sample tested within three working days after a negative test result on an initial screening test or, when the initial screening test produced a positive test result, within three working days after a confirmatory test. A test report must indicate the drugs, alcohol, or drug metabolites tested for and whether the test produced negative or positive test results.

Within three working days after the receipt of the test results report from the testing laboratory, the employer shall inform the employee or job applicant, who has undergone drug and alcohol testing, in writing of a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test.

The employer shall also inform the employee or job applicant of the following rights pursuant to Minnesota Statutes, Section 181.953:

- a. The right to request and receive from the employer a copy of the test result report,
- b. The right to submit information to the employer within three working days after a notice of a positive test result to explain that result.
- c. The right to request within five working days after notice of a positive test result a confirmatory retest of the original sample at the employee's or job applicant's own expense. If a confirmatory retest is conducted in accordance with the adopted rules and a licensed laboratory, and the confirmatory retest does not result in a positive test result, the department shall reimburse the employee or job applicant for the actual costs of the confirmatory retest. No adverse action will be taken against the employee or job applicant and an applicant will be considered for employment.
- d. The right to explain the positive test and the employer may request that the employee or job applicant indicate over the counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

Test Results

a. Alcohol Violations with Concentrations of .020 but Less Than .040

The City of Red Wing will evaluate the employee to assure that he/she can safely perform their assigned job duties.

The employee may be reassigned to other duties if the city deems practical or be removed from their job duties until such time as the employee can safely perform their designated job duties. Prior to removal, a confirmatory test shall have been given.

If removed, the employee may use vacation hours during the absence, if accrued and available. This time is considered not on duty. While subject to all provisions of this policy, a substance abuse evaluation may be required depending on any previous instances of alcohol violations within the past year or relevant circumstances surrounding the event within the past year.

b. Alcohol Violations with Concentrations of .040 and Above

The employee shall be removed from their job duties. This time is considered not on duty. The employee may use vacation hours during the absence, if accrued and available. The employee shall be removed until such time as the employee can safely perform their designated job duties. While subject to all provisions of this policy, a substance abuse evaluation may be required depending on any previous instances of alcohol violations within the past year or relevant circumstances surrounding the event.

c. Mandatory Evaluation

Any employees that have a positive drug and or alcohol test (.06 and above) shall be subject to an evaluation by a substance abuse professional.

Rehabilitation

Participation in a counseling or rehabilitation program will be at the employee's own expense or under any current coverage in the employee's own benefit plan. The employer may determine which type of program is more appropriate for the employee after consultation with a substance abuse professional or a physician trained in the diagnosis and treatment of chemical dependency. The employee may use sick leave if accrued and available if diagnosed with a chemical dependency problem.

Confirmed Positive Test Result

The City of Red Wing will not discharge, discipline, discriminate against request or require rehabilitation of an employee solely on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test. Where there has been a positive test result in a confirmatory test and in any confirmatory retest, the employer will abide by notice of test result provisions set forth in the drug and alcohol use and testing policy. The first time an employee has tested positive on a confirmatory test, the employee will be subject to discipline but will not be discharged until the employee has been given the opportunity to participate in either drug or alcohol counseling or rehabilitation program, whichever is more appropriate.

The employee may be discharged if they either refuse to participate in the counseling or rehabilitation program, or fail to successfully complete the program. Withdrawal from the program before its completion, failure to abide by program rules, or a positive test result on a confirmatory test after completion of the program will be considered evidence that the employee has failed to successfully complete the program.

Second Positive Test

Any employee that has a second positive drug and or alcohol test (.06 and above) on a confirmatory test, the employee will be disciplined, including, but not limited to discharge from employment, unless relevant circumstances otherwise dictate.

Confidentiality

Any information concerning an individual's test results and personnel and other records shall only be released in accordance with the Minnesota Data Practices Act (Minnesota Statutes, Chapter 13).

Disciplinary Action

An employee's actions may constitute both a violation of City of Red Wing policies and a violation of criminal laws or other laws and policies. This policy, however, is not designed

to identify all activities which might violate such other laws and policies or the procedures to be employed in the event that such other laws and policies are violated.

Violation of this policy is a very serious offense and depending on the circumstances, can result in termination of employment.

Section #200 – Position Classification and Pay Plan

The Council has adopted an established procedure to rank all City employee positions in accordance with the pay equity standards and requirements of Minnesota law and exempt and non-exempt status under the FLSA. In addition, a pay plan based on these rankings has also been established. These plans govern job classification and pay in all respects (unless otherwise established by contract) and include provisions for merit pay (pay based on performance) consideration, on-going adjustments, new positions, changes in existing job duties, etc.

Employees desiring further information on job classification and pay ranges should review these plans. Current copies can be obtained from the Employee Services Department. The Pay and Classification Plan, as amended from time to time, is hereby incorporated in this section by reference.

Part Time Employees

New part-time employees hired after January 1, 2007, will move through the pay plan on a pro rata basis based on the number of hours for which they have been compensated. This would also apply to accrued benefit increases, if applicable.

Seasonal/Temporary Employees

Returning seasonal/temporary employees may receive a step increase when returning to work the following year, subject to a satisfactory progress evaluation from the previous year.

Section #210 – Compensation

All City of Red Wing employees have a duty to work the time for which they seek payment. Receiving pay for time not worked is a form of theft and a very serious violation of work rules. Any false information reported by an employee on a timesheet may be cause for immediate termination of employment. Time clocks and/or security badges may assist the employee in documenting actual time worked. The use of time clocks and/or security badges provides protection to both the employee and the City because the proper use of these devices may assist in eliminating any question over actual hours worked. All employees submitted time will need to be approved by their supervisors. Time cards are to include hours worked (including approved overtime) vacation time, sick leave and other authorized leave time during the payroll period.

Non-Exempt (Overtime-Eligible) Employees

Non-exempt employees must utilize the time and attendance tools including badge reading time clocks, PC punch on City computers, and smart devices, and will punch in and out for lunch breaks or other non-paid time if required to do so. Non-emergency overtime must be properly authorized in advance. Employee(s) should only utilize the electronic time keeping device(s) you are instructed in and approved for use by the Supervisor and/or Department Head.

Non-exempt employees should punch in at the beginning of the workday, in and out when leaving and returning from unpaid leave, and out at the end of the workday. When utilizing sick and vacation leave, your supervisor will enter this time for you. Punching in/out should be accomplished promptly, within two to seven minutes, before starting or after ending work time.

For the purposes of calculating work time, the system will calculate start and end times to the nearest 15-minute interval. For example, an employee punching in at 9:07 am, the system will calculate their work hours from 9:00 am, where someone punching at 9:08 am, the system will calculate from 9:15 am (which is the closest 15 minute interval). If an employee punches out at 4:33 pm, the system will calculate the end time to be 4:30 pm, while an employee punching out at 4:43 pm, the system will calculate the end time to be 4:45 pm. Regardless of the above calculation on overall work hours, lunch and rest breaks will also be calculated to the rounded quarter hour. If you have any questions with respect to this policy, please ask your supervisor.

The employee still has a responsibility to be to work on time at the beginning of the start of their shift. Even though the system will round back, you may be subject to discipline for punching in late. In no event should any employee or other person punch in or out for another employee. Each employee is responsible for their own time certifying its correctness and accuracy. If an employee misses a punch, a supervisor must verify the time.

Exceptions

The only exception to this policy is where the City does not have an electronic timekeeping system available. In these instances, a physical time card may still have to be filled out. In addition, an employee assigned to work at an off-premise or remote location where a time clock is not convenient to the work location, will not need to punch in and out for lunch breaks. Supervisors will determine these cases and the lead worker will stop the work and assure work is started at the proper time.

Approved time cards, with the appropriate supervisor's or director's approval, are ready for download by the Employee Services Department no later than 3:00 pm on the Monday prior to the payroll payment date. Payroll checks are issued biweekly and will be direct deposited. Each employee must complete a Direct Deposit Form in which up to three

different accounts can be specified for deposit. The pay statements will be distributed the week of payroll.

Exempt (Non-Overtime-Eligible) Employees

Exempt employees are required to work the number of hours necessary to fulfill their responsibilities and meet performance expectations. Generally, to meet responsibilities, performance expectations, and for reasons of public accountability, exempt employees will need to work 80 or more hours per two-week payroll cycle. If it appears that less than 80 hours per two-week payroll cycle is needed to fulfill the position's responsibilities, the position will be reviewed to discuss the positions work hours and job duties.

The normal hours of business for exempt employees are generally Monday through Friday, 8:00 a.m. to 4:30 p.m.; however, Department Heads may modify the normal hours to best meet the needs of a specific Facility and/or Department and to accommodate morning, evening and occasional weekend meetings and/or events.

The City has a vacation and sick leave accrual program. Staff members regularly put in extra hours above and beyond the normal 80 hour two-week payroll cycle requirement. An exempt employee Supervisor is allowed to authorize time off during normal working hours and allow up to 8 hours of personal leave per week without requiring the use of accrued leave.

Exempt employees will need to utilize accrued time off while away from the office for a minimum of 4 hours or more, unless the Exempt employee has worked excess of the normal work hours during the workweek as described above.

Specific situations may arise where work hours exceed the typically exempt work hours, e.g., worked 60 hours in a week to accomplish a special project. In these situations approval by the supervisor and/or the City Council Administrator on an infrequent and non-routine basis in recognition for the time worked by allowing other time off may be approved. The time off for extra hours worked may not be on a one-for-one basis.

Absences from work on accrued leave shall be recorded on employee's personal Outlook calendars and the Admin Leave calendar. Employees shall also utilize their voicemail and Outlook message system to convey absences from the office.

Exempt employees will be responsible for inputting paid leave into the Celeritime timekeeping program.

Payroll Deductions

In most cases, the City of Red Wing is required by law to deduct Federal and State Income Taxes and the Federal Insurance Contributions Act/Medicare, (social security tax, if applicable) from every payroll check. The City of Red Wing also contributes an amount for social security tax, and this combined amount is accumulated in the employee's social security account with the Federal Government. Many employees are also covered by the

Public Employees Retirement Association (PERA) and both the city and the employee contribute. All official payroll records including, vacation and sick leave accruals, are kept in the Employee Services Division. Any errors must be immediately reported.

For more information on your paycheck and deductions, contact the Employee Services Division.

Section #220 – Overtime/Compensatory Time

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

Non-Exempt (Overtime-Eligible) Employees

Overtime hours must be approved in advance by the employee’s supervisor. An employee who works overtime without prior approval may be subject to disciplinary action.

All non-exempt employees will be compensated at the rate of time and one-half for all hours worked over 40 hours in one workweek unless both the employer and employee mutually agree to “flex” the hours. “Flexed” hours will not create any overtime payments. All “flex” hours must occur within one workweek.

The workweek is defined as Monday from 12:00 am to Sunday evening at 11:59 pm.

Compensation for hours worked over 40 hours in one week will take the form of either time and one-half pay or compensatory time. Overtime earned will be paid at the rate of one and one-half on the next regularly scheduled payroll date, unless the employee and supervisor mutually agree in advance that the overtime will be banked as compensatory time in lieu of payment.

Compensatory time offered may be given at the discretion of the Department Head (see also Collective Bargaining Agreements if applicable). Compensatory time is paid time off at the rate of one and one-half hours off for each hour of overtime worked. The purpose of compensatory time is to reduce the overtime costs to the City of Red Wing, yet provides the employee more time and the flexibility to be off. Compensatory time will be only be available for use after the completion of the pay period in which it is earned.

The maximum compensatory time hours that an employee can have accumulated and banked at one time is listed below:

Employee Category	Maximum Bank
Non-union/non-exempt	60 hours
Fire	84 hours
Police	60 hours

Police Sergeant	60 hours
Police Clerical	60 hours
Utilities	60 hours
Public Works	60 hours
Clerical Tech	60 hours

Employees may request and use compensatory time off in the same manner as other leave requests. Supervisors shall normally grant such requests, unless it causes an undue disruption in business.

All compensatory time will be documented by supervisors on the electronic timesheets, both when it is earned and when it is used. The Employee Services Division will maintain compensatory time records. All compensatory time accrued will be paid at the base rate or in accordance with any applicable union contract when the employee leaves City of Red Wing employment.

For this policy to work it is understood that employees will make every effort to use the compensatory time in the year it was earned. All compensatory time must be taken in the year earned or have at least applied for compensatory time leave in the months of January or February of the following year by the second Friday in December. Compensatory time earned but not used or applied for use in January or February by the December deadline shall be zeroed out and paid as overtime in conjunction with the last regularly scheduled pay period in December.

Department heads are responsible for forwarding any compensatory time leave requests for the months of January and February to Employee Services by the December deadline.

Exempt (Non-Overtime-Eligible) Employees

Exempt employees are expected to work whatever hours are necessary in order to meet the performance standards outlined by their supervisors. Generally to meet these expectations, and for reasons of public accountability, an exempt employee will need to work 40 or more hours per week. Exempt employees do not receive extra pay for the hours worked over 40 in one workweek.

Requirement to Work Overtime

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.

Union Agreements

Where there is a conflict between this policy and an agreement with an employee union, the union agreement shall take precedence. However, where the union agreement does not address a specific practice or issue, this policy shall take precedence.

Section #230 – Holiday Pay

Exempt Employees

Exempt employees are not generally required to work on holidays. When it is necessary for exempt employees to work on a holiday, no additional compensation shall be paid.

Non-Exempt Employees

Holiday pay for full-time employees will be at the regular rate for the usual number of hours which normally would be worked if there was not a holiday. Full time employees required to work on a holiday will be compensated at their regular rate of pay, for the actual time worked, in addition to any holiday pay.

- a. When a holiday occurs while an employee is drawing approved and compensated vacation or sick leave pay, he/she will receive holiday pay in lieu of vacation or sick leave pay for the day on which the holiday is observed.

Part-Time Employees

Part time employees who qualify for benefits under Section #250 will be paid for holidays pro rata in proportion to the average hours worked to a regular 40 hour position except in the following situations. No employee will receive more holiday hours than they would normally have been scheduled to work if the day were not a holiday (an employee working at 60 percent and scheduled to work 4 hours would receive 4 hours of holiday pay, whereas the same employee scheduled to work 8 hours would receive 4.8 hours). Unless specifically authorized by the City Council Administrator, interns, seasonal/temporary, casual and other non-regular position employees are not entitled to holiday pay.

The holiday pay must be used on the day the City is closed for business if the employee is normally scheduled to work. Any hours not used, if applicable, should be used within the pay period.

Pro rata amounts are as follows: Normally scheduled 20 hrs. /wk. = 4 hrs. holiday pay, 21 hrs. /wk. = 4.2 hrs. holiday pay, 22 hrs./wk. = 4.4 hrs. holiday pay, 24 hrs./wk. = 4.8 hrs. holiday pay, 30 hrs./wk. = 6 hrs. holiday pay and 32 hrs./wk. = 6.4 hrs. holiday pay.

Section #240 – Holidays

The following holidays shall be declared as official paid holidays for all regular position employees who qualify for benefits under Section #250:

New Year's Day	January 1
Martin Luther King Day	Third Monday of January
President's Day	Third Monday of February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday of September

Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday of November
Day after Thanksgiving Day	Fourth Friday of November
Christmas Eve Day	December 24
Christmas Day	December 25

and one floating holiday. For employees starting or ending their employment the floating Holiday will be prorated on a calendar year basis. The floating holiday must be taken within each calendar year and cannot be banked from year to year. The date the floating holiday is taken is subject to the supervisor's or department/division head's approval.

If a non-union employee has advance approval from their supervisor to work or is required by their supervisor to work on a holiday, the employee may exchange the number of hours worked on that holiday (maximum eight hours) for the same number of hours off as holiday pay at a later date within that same month.

Weekend Holiday

When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday. In cases of conflicting days the City Council Administrator shall make appropriate designations.

Other Religious Holidays

Employees wishing to observe religious holidays not listed above shall, at their option, be given time off without pay, or, if available, may request vacation leave for time off.

Section #250 – Benefits

Benefits, except for Group Insurance, accrue to all full-time and part-time employees filling a regular position normally scheduled to work on average at least 20 hours per week and a minimum of 1040 hours per year. Seasonal/temporary and casual employees will not receive benefits unless specifically authorized by the City Council Administrator. Benefits for union employees will be as governed in applicable union contracts.

Any employee reclassified from part time to full time will, for purposes of accruing benefits, begin a new period of continuous service with the City of Red Wing, however, no such employee shall actually accrue less benefits as a result of such reclassification.

Section #260 – Group Insurance

The City of Red Wing offers a group health program to employees who are eligible under policy terms and condition for group coverage. Any employee paid share of group health insurance shall be paid through the "pre-tax" cafeteria plan. All benefits, terms, and conditions are governed by the provisions contained in the master policy. Explanations

contained in this policy are for general information purposes only. Any questions should be addressed to the Employee Services Division.

Eligibility

All regular full-time employees are eligible for group health insurance. Part-time employees filling a regular position and normally scheduled to work on average at least 24 hours per week and a minimum of 1248 hours per year will be eligible to elect pro rata group insurance benefits based on the direct relationship their normally scheduled workweek bears to full time (40 hours per week). At no time will one person hold more than one part-time regular position (part-time or full-time) within the City of Red Wing's employ. Part-time employees receiving group insurance coverage(s) will be responsible for their share as stated in the fee schedule.

Health/Medical Insurance

FAMILY HEALTH

As of January 1, 2014, the family coverage cost to Employees will be 11 percent of the Gross Family Premium.

SINGLE HEALTH

The single coverage cost to Employees will be 26 percent of the family premium.

Qualifying employees may elect optional medical insurance plans offered by the City of Red Wing with the additional expense 100 percent paid by the Employee.

Group Health Employee Error Incentive

In an effort to decrease exposure as well as health insurance premiums, the City of Red Wing will share on a 50/50 basis (subject to a \$500 cap per error), any savings resulting from provider billing errors found by a participating employee in the City of Red Wing's health plan.

The employee shall provide to Employee Services written documentation of the health services provided and the error in question. The employee will be required to get a statement from the health care provider that an error did occur and the error (claim) in question is being reprocessed for reimbursement to the City of Red Wing. This may also include copies of health provider detailed billing statements and Explanation of Benefits sheets that states services paid by the third party administrator. Once an error in billing has been found, the City will attempt to ensure the vendor does not duplicate the error. Once submitted and reimbursed, the employee cannot resubmit the same error for reimbursement.

Employee Services staff, with assistance from our health insurance consultant, will administer the payments to an employee if satisfactory documentation is provided. Errors found will be subject to the 50/50 payment and will be considered to be income subject to state and federal tax.

Term Life Insurance

The City of Red Wing shall provide term life insurance for employees filling regular positions. Non-Exempt employees receive \$30,000 of coverage and Exempt employees receive \$100,000 of coverage (cost of premium of coverage greater than \$50,000 is taxable to the employee). Supplemental Coverage is available at the expense of the employee.

Long-Term Disability

The City of Red Wing provides long term disability insurance for employees qualifying for group insurance benefits. The entire premium will be paid by the City of Red Wing with the benefit being taxable to the employee at disbursement.

Other Insurance Plans

Presently, there are programs that allow for deduction for premium payments. These programs are alternative benefits for cancer, specified diseases and for hospital intensive care. While the City of Red Wing allows for payroll deduction, the city does not endorse or contribute to these plans.

Section #270 – Flexible Benefit “Cafeteria” Plan

The Flexible Benefit Plan is a "cafeteria plan" which gives employees who qualify the opportunity to choose options in a Health Care Spending Account or Dependent Care Spending Account which can significantly reduce employee tax liability and lower the city paid taxes as well. To participate in the cafeteria plan, employees must be eligible to participate in the City of Red Wing's group health insurance plans.

1. The Health Care Spending Account can give employees the opportunity to pay for any IRS authorized reimbursable medical, dental or vision care related expenses with pre-tax dollars.
2. Employees who incur day care expenses including elder care expenses, can pay for such costs through the Dependent Care Spending Account and reduce employee's day care costs.

Further details of the plan are available through the Employee Services Division.

Section #280 – Retirement Program

All employees and officers (unless exempted in accordance with law) shall be covered by the provisions of the Public Employees Retirement Association and the provisions of the Federal Social Security Act and Medicare when applicable. The City of Red Wing and the employee shall each contribute the percentage of salary required by law.

Deferred compensation programs are available as an additional retirement program. The contributions are made by the employee under section 457 of the Internal Revenue Code.

Section #290 – Employee Assistance Programs

The City of Red Wing recognizes that a wide range of problems, not directly associated with one's job function, can have an effect on an employee's job performance. In most instances, it is expected that the employee will overcome such personal problems independently and the effect on job performance will be negligible. In other instances, normal supervisory assistance will serve either as motivation or guidance by which such problems can be resolved so the employee's job performance will return to an acceptable level.

In some cases, however, neither the efforts of the employee or supervisor, have the desired effect of resolving the employee's problems and unsatisfactory performance continues, either regularly or intermittently. In such instances, the Red Wing Employee Assistance Program is available for reference to the supervisor and to the employee.

Further details of the program or other assistance are available through your Department or the Employee Services Division.

Section #300 – Educational Assistance

In order to develop skills and self-improvement, the City of Red Wing has created an Educational Reimbursement Program. This program is dependent on Council Administrator discretionary approval and is also based on the availability of funding. The City will share the cost of higher or continuing education of a non-probationary employee whose appointment with the City is at least 0.6 full time equivalent, or greater. The City will reimburse education tuition costs, subject to the availability of funds for this purpose, in compliance with the following procedure:

PROCEDURES:

Undergraduate or Vocational Studies Related to Employment

The course must be job-related. The education must be relevant to the employee's job or anticipated career responsibilities in the City. The course must be one that will improve the employee's efficiency, knowledge, and competency in the performance of his or her existing or projected duties with the City. Additionally, the course work should evidence specific long-term benefits to both the employee and the City. Approval shall only be granted for courses taken from accredited institutions.

The City will pay 50 percent of tuition for approved courses in advance, provided the following conditions are met:

- the employee has submitted a written summary of the course or program justifying the value of the content in his or her role as a City employee.
- the employee has submitted documentation of the actual tuition costs; and
- the job related course or program for advancement has been approved in advance per the Administrative Responsibility section of this policy;

The City will reimburse the employee for the additional 50 percent of the tuition when:

- the employee has submitted a validated receipt for tuition and
- the employee has submitted documentation showing a grade of “C” or better has been earned, or for courses not issuing a grade, the employee has submitted a certification from the instructor stating the employee has satisfactorily participated in the activities of the course.

Undergraduate Studies Not Specifically Related to Current City Employment

Employees are encouraged to direct their studies toward programs benefiting their current or future responsibilities with the City of Red Wing. However, recognizing some general benefit that accrues to the City as a result of additional education, the City will reimburse up to 25 percent of tuition costs related to course work at an accredited college or university when the course work is not directly related to the employee’s duties, provided:

- the course or program for advancement has been approved in advance per the Administrative Responsibility section of this policy;
- the employee has submitted a validated receipt for tuition and
- the employee has submitted documentation showing a grade of “C” or better has been earned, or for courses not issuing a grade, the employee has submitted a certification from the instructor stating the employee has satisfactorily participated in the activities of the course.

Reimbursement for Graduate Studies

The course must be job-related. The education must be relevant to the employee's job or anticipated career responsibilities with the City. The school course must be one that will improve the employee's efficiency, knowledge, and competency in the performance of his or her existing or projected duties with the City. Additionally, the course work should evidence specific long-term benefits to both the employee and the City. Approval shall only be granted for courses taken from accredited institutions.

The City will pay 50 percent of tuition for approved courses in advance provided the following conditions are met:

- the employee has submitted a written summary of the course or program justifying the value of the content in his or her role as a City employee.
- the employee has submitted documentation of the actual tuition costs; and

- the job related course or program for advancement has been approved in advance per the Administrative Responsibility section of this policy.

The City will reimburse the employee for the additional 50 percent of the tuition when:

- the employee has submitted a validated receipt for tuition and
- the employee has submitted documentation showing a grade of “B” or better has been earned.

Termination of Employment

If an employee has received benefits under this policy and leaves employment with the City either voluntarily or involuntarily, the employee shall reimburse the City for funds used based on the following schedule:

- termination 1 year or less after completion -100 percent;
- termination between 1-2 years after completion – 50 percent; or
- termination after 2 years – 0 percent.

Prohibition of Multiple Reimbursements

The City will not reimburse employees for expenses reimbursed or otherwise funded under scholarship, grant, performance pay or some other education system or program, including, but not limited to, any reimbursement through the GI Bill.

Non-reimbursable expenses

This is a tuition reimbursement program. Only the course program fee or fee for course credits will be reimbursed. Student union membership, student health coverage, supplies, books, parking permits, activity tickets, transportation, computers or other media devices, activity fees, finance charges, penalties, all income taxes on the reimbursement, and other incidental fees are not eligible for reimbursement.

Reimbursement Cap

- The reimbursement will be \$3,500 or \$2500/calendar year respectively and the budgeted annual maximum is \$30,000.00.
- Additional funding over the cap may be approved if there is leftover funding available.

Maintenance Licenses and Certifications

The inability of any employee to participate in the program cannot be used as a justification by the employee for not appropriately maintaining any license, certification or other required qualification for the employee’s position.

Work Schedule Priority

The courses should be attended outside of normal working hours. If feasible, the City of Red Wing may attempt to accommodate a flexible work schedule so employees have the opportunity to attend classes. Any work schedule arrangements must be approved by the Department Head.

This program may be expanded, suspended or discontinued at any time by the City Council Administrator.

ADMINISTRATIVE RESPONSIBILITY:

- Participation under this policy is contingent upon approval by the Council Administrator, based upon consideration of the recommendations from Department Heads.
- Each Department Head is responsible for distributing and informing department employees of this policy.
- The Director of Employee Services is responsible for administering this policy.

Section #310 – Orientation and Training

In order for employees to perform their work more efficiently and to qualify for positions of increasing responsibility and difficulty, the City of Red Wing shall promote a system of employee training programs. Employees shall be encouraged to further their education and training. Facilities, training programs and tuition aid may be provided by the City for this purpose. Upon request, the Employee Services Director shall provide information on other city positions and training and educational programs.

Orientation

Each new beginning employee will have a brief orientation session at the time of his/her hiring conducted by the Employee Services Division and/or the department head.

- a. The Personnel Policy handbook, the Safety and Loss Prevention manual and other information will be given to the employee at the orientation session.
- b. Other major policies, rules, benefits, etc. will be given to the new employee during the orientation session.

Job and Department Training

Department heads are accountable to ensure that new employees are properly trained as to job knowledge and department regulations, as well as safety rules and regulations. The Department head may assign direct responsibility to another employee who will train the new employee. New employees are expected to review these policies and other written materials that relate to their positions. Questions should be addressed to the employee's supervisor or the Employee Services Division.

In-House Training and Seminars

The City of Red Wing will provide training programs, in house workshops, and other seminars that will better inform the employee in their field of work or in the continuity of the general operation of the city. Although the city encourages and may require training aids, programs and workshops, the primary responsibility for the accomplishment of training and maintaining currency rests with the employee through self-development efforts.

- a. Employees are expected to accept and request coaching and training.
- b. Employees are also expected to assist less experienced employees as warranted by the situation or as required.
- c. Employees are expected to initiate, be an active participant, and remain receptive to new ideas and processes that will enhance working conditions and job performance.

Training is a necessary, ongoing function that will ultimately benefit the City.

Section #320 – Vacation

The purpose of vacation is for rest, relaxation, and the general welfare of the employee. Therefore, employees are encouraged to use most, if not all, of their vacation days accrued each year.

Eligibility to Earn Vacation Leave

All employees having earned regular employee status shall be eligible for an annual period of paid vacation leave at their regular rate of pay. Beginning employees will earn vacation leave; however, vacation may not be used by beginning employees until they have achieved regular employee status. Interns, seasonal/temporary, casual and other non-regular positions are not entitled to vacation leave unless approved by the City Council Administrator. Part-time, regular employees who work at least an average of 20 hours per week shall earn vacation leave on a pro rata basis corresponding to actual hours worked in relation to a 40 hour workweek. Vacation leave shall not be earned by any employee on any type of leave of absence without pay.

Accumulation and Forfeiture

Determination of accrued leave time shall be computed based upon each employee's period of continuous service with the City from the date of the employee's initial employment. Unless otherwise approved at the time of hiring, the vacation benefits provided in this section shall be accumulated, computed, and credited according to the schedule as shown below:

Months of Service	Vacation Accrual Rate		
0 to 24 months	0-2yr	3.08 hrs./biweekly	10 days/yr.
25 to 96 months	2-8yr	4.62 hrs./biweekly	15 days/yr.
97 to 300 months	8-25yr	6.46 hrs./biweekly	21 days/yr.
301 to 312 months	25-26yr	6.77 hrs./biweekly	22 days/yr.
313 to 324 months	26-27yr	7.08 hrs./biweekly	23 days/yr.
325 to 336 months	27-28yr	7.39 hrs./biweekly	24 days/yr.
337 and beyond	28+yr	7.69 hrs./biweekly	25 days/yr.

Vacation may be accumulated up to a maximum of twice the number of hours an employee accumulates during a 12-month period. All accrued vacation balances that exceed the maximum two year accrued balance will be lost. The City Council Administrator may waive this for a temporary period of time if a scheduled vacation is canceled due to the City's need, or if a vacation request is turned down due to workload.

Use of Vacation Leave

New employees shall not take vacation leave with pay until completion of the beginning period. Vacation leave must be approved by the affected Department head and may be denied due to short notice or interference with the City of Red Wing's ability to perform public service. Generally, vacations must be requested at least one month in advance.

When an official holiday occurs during an employee's scheduled vacation, the charge against the employee's accrued vacation shall be reduced by the amount of hours that the employee is entitled to in holiday pay.

No employee shall be permitted to waive vacation leave for the purpose of receiving double pay.

Vacation leaves may be taken in quarter hour increments.

Vacation Cash-out (Regular, Full-time Non-union Employees Only)

Due to the restrictions of FLSA and number of hours worked, employees shall have the option of cashing out a minimum of 40 hours and a maximum of 120 hours of accrued vacation leave when a minimum of 80 hours of accrued vacation leave is taken off in the previous 12-month calendar period.

Qualifying time off shall consist of either 80 consecutive hours or one separate period of 40 consecutive hours and an additional 40 hours of vacation has been taken off. If a scheduled vacation period includes a paid holiday, that holiday shall qualify as part of the required hours for the vacation cash-out.

Cash-out will be at the current rate of pay which is calculated by dividing the annual salary by 2080.

Cash-out requests must be submitted to and approved by the department head and the City Council Administrator. A Personnel Action Form must be completed. Cash-out requests may be made to coincide with a scheduled vacation leave which meets the requirement of this policy.

The revenue received from the cash-out is considered other income and is taxable. Lump sum payment of vacation is not subject to PERA (Public Employee Retirement Association) withholding.

Voluntary Succession Incentive Program (Exempt Employees with more than five years of service only)

The goal of the City is to keep and retain exempt employees as long as feasible and to utilize the experience and education of these individuals 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 when an exempt employee will be leaving service, rather than receiving only a 30-day notice as required by policy. To provide an incentive, the City is creating the Voluntary Succession Incentive Program. The Employee cannot use this incentive bank of vacation nor be compensated if they leave employment early. In essence the employee would be agreeing to give the incentive bank back to the City.

A program eligible employee is defined as an FLSA Exempt employee who has worked for the City for more than five years and is not currently using the program. Eligible employees who make a good faith effort to commit to staying with the organization can set aside two weeks of accumulated vacation (two-year commitment) or three weeks of accumulated vacation (three-year commitment) in a retention bank.

If you commit to two years and set aside two weeks of vacation, you will then get four weeks in return after two years deposited into your vacation balance or cashed out if your accrued balance will be over the two year vacation accrual limit. Employees who are willing to commit to three years can set aside three weeks and will receive six weeks at the end of the three years deposited into your vacation balance or cashed out if your accrued balance will be over the two year vacation accrual limit. The cash-out value will be at the current rate. Thus, if an employee sets aside three weeks of vacation in 2012, they would be able to cash out six weeks of vacation in 2015 at the 2015 rate.

The City Council Administrator or his or her designee will administer the program. Certain unforeseen circumstances may arise, such as a serious medical illness or early retirement programs, which may affect the amount of vacation received on a pro rata basis. These circumstances will be reviewed on a case-by-case basis and only approved by the Council Administrator.

An employee must complete an application form in order to be eligible for the program. The accrued benefit hours will be available following the next pay period after the redemption period has been completed. In the event of death of the employee, the balance, along with a pro rata amount, will be paid to the employee's beneficiary.

The accruals and payouts contained in the program should be considered exceptions to the accrual and payout limits contained in the remainder of the Vacation Policy, Section #320.

Section #330 – Sick Leave

Employees shall have a paid sick leave program.

Eligibility for Sick Leave

Regular full-time position employees shall earn sick leave at the rate of 4.62 hours biweekly, up to 1000 hours. Part-time employees who work at least an average of 20 hours per week are eligible to earn prorated sick leave based on their schedule's relationship to 40 hours.

After an accumulation of 1000 hours, employees will earn sick leave at the rate of .92 hours biweekly. Part-time would be adjusted according to their work schedule.

The City will maintain two separate accrual banks for sick leave; one for the hours accumulated up to the 1000 hour limit ("Sick" on pay statement) and one for any accrued hours over 1000 hours ("Sick Bank" on pay statement). The following are procedures that will be followed:

- 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 bi-weekly payroll process will be 2.08, putting the balance at 1000. The next bi-weekly accrual would then be at .92 hours into the Sick bank.

An employee who uses Sick Leave and has a balance in both banks will have the hours deducted from the 1000 hour Sick accrual first. After the use of such leave, the employee's accrual will once again be at the higher rate until such time that the employee again reaches 1000 hours.

A regular employee who is eligible for sick leave and does not utilize sick leave for any 12-month period will be granted eight hours (or pro rata, if applicable) of vacation leave, known as a wellness day, upon the completion of the 12-month period. Emergency leave use does not apply against the wellness day.

Utilization of Sick Leave

Sick leave that has been earned may be used by beginning and regular employees who are not on other leaves under the following circumstances:

- A. Personal illness or physical incapacity which renders the employee unable to perform the essential functions of their position.
- B. Required medical care.

- C. Exposure to contagious disease under circumstances in which the health of the employees with whom the employee is associated or members of the public with whom the employee deals would be endangered by the employee's attendance on duty.
- D. Illness or injury to a member of the employee's immediate family which requires the employee's personal care and attendance, provided adequate reasons are given to the employee's supervisor. The employee must seek prior approval from the City Council Administrator or their designee for this provision to apply to any other permanent member of the employee's household.
- E. Employees may use up to six weeks of sick leave for maternity leave. Additional sick leave can only be used if medical necessity is established similar to illness/injuries. (Also see Section #400 Family and Medical Leave Act.)

Except for provision E above, employees that are utilizing sick leave are required to be doing activities that are relevant and circumstantial to the bona fide use of sick leave. This would include caring for themselves or immediate family members and transportation to and from home, caregivers, clinics, hospitals, and pharmacies. In cases when an employee on sick leave must be away for other reasons not related to sick leave, the City of Red Wing strongly encourages and recommends the employee notify their supervisor or department head as soon as possible as to the reasons they may be doing activities that are not related to sick leave. If an employee on sick leave is away for reasons not related to sick leave and has not notified their supervisor, there is a presumption the use of sick leave is improper and the employee is subject to discipline. Sick leave may be taken in quarter hour increments.

Up to the point of maximum medical recovery, sick leave may be granted in the event of a worker's compensation injury or incapacity chargeable only to city employment, and then only in an amount necessary to keep the employee approximately whole as to his/her last normal (without overtime) paycheck.

Sick leave may be granted to employees who become disabled and unable to perform their regularly assigned work duties as the result of a non-work related accident or injury, but only in the amount of hours necessary to keep the employee approximately whole in comparison to his/her last normal (without overtime) paycheck.

The City of Red Wing, at its discretion, may require written medical verification of the employee's absence or, at the city's option, a signed statement from the personal attending physician may be required which attests to the employee's inability to work due to illness, required attendance with an ill or injured immediate family member, or other authorized use of sick leave as detailed above.

Accrual during Paid Leave

Employees using earned vacation or sick leave shall be considered to be working for the purpose of accumulating additional vacation or sick leave and any seniority benefits.

Section #340 – Emergency Leave

Limitations

Emergency leaves for immediate family members shall not exceed the time needed to travel to and from, and attend a funeral, including reasonable family services and events; or the time during which an immediate family member is seriously injured or ill (e.g., significant surgery, hospitalization, emergency medical service, etc.). The request for emergency leave along with a complete description of the circumstances causing the emergency leave shall be made to the employee's supervisor. Careful consideration shall be given to the nature of the emergency and the intent and purpose of this leave.

Emergency leave shall only be granted for the time necessary to attend to the emergency situation and/or make necessary arrangements to handle a permanent or longer-lasting event (e.g., recovery after surgery, grief counseling, estate matters, illness recovery or hospice-type arrangements, etc.). Emergency leave shall be charged as sick leave. Any emergency leave time over three consecutive days must be approved by the City Council Administrator. Non-union employees shall be allowed three days minimum of emergency leave as funeral leave for a death of an immediate family member. Emergency leave beyond the three days will be evaluated and may be approved by the City Council Administrator on a case-by-case basis. Emergency leave may be taken in quarter hour increments.

Non-union employees may be granted emergency leave to serve as pallbearers at a funeral.

Section #345 - Paid Organ Donation Leave

State laws require public employers with more than 20 employees to allow paid leaves of absence to employees who seek to undergo a medical procedure to donate an organ or partial organ to another person, pursuant to Minnesota Statutes, Section 181.9456, as amended.

The leave may not exceed 40 hours for each donation unless agreed to by the employer. Employers may require verification of the purpose and length of the leave by a physician and may not retaliate against the employee for requesting or obtaining the leave.

Section #350 – Leave Share (Voluntary)

The leave share program 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.

Participation in the leave share program is voluntary. If an employee has an event as listed below, the leave share program allows other Regular City employees to donate leave (accrued vacation and/or sick) to them.

- Serious illness of the employee or the employee's spouse
- Serious illness of the employee's child or a person living in the employee's household
- An extraordinary circumstance that may or may not be health related

Leave must be donated in hourly increments (minimum donation of four-hours). Employees donating may only reduce their accrued balances to the point where the employee's total vacation and sick leave accrued hours equal 520 hours. An employee may not donate such that it would cause his or her accrued hours to fall below 520 hours, as this is the number of hours needed to qualify for the long term disability policy.

Leave is not guaranteed to be approved simply because it has been donated to the employee. All leave must still be approved by the Department Head and/or City Council Administrator in conjunction with the City of Red Wing Personnel Policy (sick leave, family medical leave act, leave of absence requests).

To donate leave:

An employee must contact the Employee Services Director and complete a leave share form indicating the type (vacation or sick) and the number of 8-hours they would like to donate to another employee. Employees must sign and date the form. The donation is not guaranteed and is subject to approval by the Employee Services Director. Once a leave transfer is completed, it is irrevocable. Employees can choose to donate anonymously.

Section #360 – Leave without Pay/Extended Leaves of Absence

If an employee has utilized all available accrued vacation, sick leave, and compensatory time, the employee's Department head may grant leave without pay for reasonable and short periods of time (one day or less) to attend to essential personal affairs provided: it is requested a reasonable time in advance, it does not unduly interfere with the operation of the City, and the essential personal affairs cannot reasonably be accomplished during non-work hours.

Extended leaves of absence for a period more than one full day may only be granted by the City Council Administrator. If an employee, due to an extended period of illness or injury has used all of his/her sick leave, compensatory time, and vacation leave, an extended leave of absence may be available. For other circumstances, the employee's vacation and compensatory time must be completely exhausted before an extended leave of absence will be considered.

The City of Red Wing reserves the right to determine by medical, psychiatric, or other professional opinion the ability of the employee to maintain his/her present position, perform the essential job duties, and the likelihood of the employee's ability to return to

work. Such leave shall be granted for a specific period of time, but not to exceed the term of six months.

In the event the City of Red Wing, in its opinion, determines that:

- the employee may not return to work in a timely manner; or
- the employee may, in all likelihood, never to be able to perform his/her essential job duties; or
- the granting of such leave would in any manner seriously impair the ability of the City to perform essential job duties; and/or
- seriously hamper the ability of the City to find a temporary replacement for the employee,

the City of Red Wing may refuse to grant such extended leave of absence. All leaves shall be conditioned upon the agreement that the leave may be canceled at any time by written notice.

Vacation leave, sick leave, and holiday pay will not accrue during any unpaid leave of absence that lasts for more than five consecutive workdays or longer (see respective union contracts for public safety personnel).

The City will grant all leaves of absence that are required under Minnesota Statutes, regardless of whether they are specifically enumerated in these personnel policies.

Section #370 – Military Leave

State and Federal laws provide for and regulate military leave for employees who are called to military service, whether in the reserves or full-time service. Leave from employment to participate in military duty is addressed in federal law in the Uniformed Services Employment and Reemployment Rights Act (USERRA – 38 USC Sections 4301-4335). Public employees in Minnesota engaged in military service have additional benefits under Minnesota Statutes, Sections 192.26-192.264, as amended.

Employer Responsibilities

USERRA and Minnesota law require, at a minimum, that employers provide:

- **Paid leave** of up to 15 days of military service in a calendar year (In Minnesota the courts have determined that a “day” is the same as a “shift” of work. See *Howe vs. City of St Cloud*, 515 N.W.2d 77 (Minn. App. 1994);
- **Unpaid leave** after the initial 15 days to engage in military service, plus travel time;
- Option to use accrued vacation or similar **paid leave** during the period of military service;
- Continuation of **insurance coverage** under employer sponsored health plans;

- Accrual of **seniority rights** with respect to employment while engaged in military service;
- **Re-employment rights** upon completion of military service; and
- Continuation of protections and entitlements involved with a **pension benefit** plan.

Paid/Unpaid leave: Cities must provide 15 days of paid leave to employees engaged in military service. A city cannot require an employee on military leave to use accrued paid leave during this portion of time.

Effective September 11, 2001, employees on active duty in the armed forces will accrue vacation and sick leave with pay as provided in any applicable policy or collective bargaining agreement from the time he or she enters active military service until the date of reinstatement (unless otherwise determined by the City Council Administrator) without regard to the limits on accrued vacation time applicable to other employees. Vacation and sick leave accrued will be placed in the employee's leave balances and must be used in accordance with established policy. (Minnesota Statutes, Sections 192.26, Subdivision 1, and 192.261, Subdivision 2).

Insurance coverage: For those employees on active duty the first 15 days, the City of Red Wing will continue to contribute to the cost of the employee's health insurance at the same level of City contribution as before the employee goes on leave. If there are changes to the contribution levels and/or premium rates while the employee is on leave, those changes will take place as if the employee were still on the job. The employee will be required to continue payment of the employee portion of the health care and/or other insurance coverage they choose to continue.

Per USERRA, employees and their dependents typically receive health insurance through the military during periods of service. For those on extended military leave, continuation of benefits may become a question. When the employee returns to work he/she simply re-enters the City of Red Wing's policy as though the leave had not occurred. If the City is planning to terminate an employee's coverage during extended military leave, the employee must be offered continuation options in accordance with state and federal laws (COBRA). This will typically provide up to 18 months of continued coverage at the *employee's* expense. While it is unlikely that an employee on leave for military service would choose to pay for such coverage, the City of Red Wing will provide the required notices of an employee's continuation rights under COBRA and Minnesota law.

Seniority rights: Employers have an obligation to treat employees engaged in military service as though they have been continuously employed.

Re-employment rights: Re-employment protection does not depend on the timing, frequency or nature of an employee's service. With very few exceptions, the City of Red Wing is required to offer re-employment to an employee returning from military service.

Pension: Under USERRA, all pension plans in which benefits are earned for length of service are protected.

Employee Responsibilities

Notice to employer: The employee (or an officer from his/her command) must give the City of Red Wing advance notice (written or verbal) of upcoming military service of any type. Otherwise, the employee may not be eligible for USERRA protection following the period of military service. Exceptions to this requirement would be if the giving of notice is precluded by military necessity (e.g., a classified recall) or if it is otherwise impossible or unreasonable to give notice.

Re-employment procedures: Reinstatement is based on the duration of military service. Employees returning from military service must follow these service guidelines based on **calendar** days:

- **Up to 30 days:** employees must report to work for the next regularly scheduled shift on the day after release from the military (“release from the military” includes time necessary for safe travel home and eight hours of rest)
- **From 31 to 180 days:** employees must apply for re-employment within 14 days after release
- **More than 181 days:** employees must apply for re-employment within 90 days after release

Failure to return to work or apply for re-employment within the specified time limits does not necessarily forfeit the individual’s re-employment rights, but make that person subject to the City of Red Wing’s rules concerning unauthorized absence from work.

Re-employment position: employees returning from military service must be reemployed in the job that they would have attained had they not been absent for military service (the “escalator” principle) and with the same seniority, status and pay, as well as other rights and benefits determined by seniority.

Miscellaneous

- In general, unless precluded by military necessity, advance notice of military leave must be provided. Even without prior notice, an employer cannot:
 - refuse to allow an employee to attend scheduled drills or annual training;
 - require the employee to reschedule drills or training;
 - require documentation for notification prior to military duty; nor
 - require an employee to find his/her own replacement.

Employees are advised that failure to provide notice (where not precluded by military necessity) may result in a denial of the protections of USERRA.

- Following the period of service, if an employee cannot provide satisfactory documentation for military service following the time of service, the employer must still promptly reinstate the employee pending its availability.

Information Contacts

League of Minnesota Cities

651-281-1200 / 800-925-1122 or www.lmnc.org
US Department of Labor, Veterans Employment and Training Service
651-296-3665 or www.dol.gov/vets
Employer Support of the Guard and Reserve (ESGR)
800-336-4590 or www.esgr.org

Section #380 – Court Duty

Employees who qualify for benefits and who are required by due process of law to render jury service, court service, or testify as a subpoenaed witness shall receive their regular pay during such period, less any compensation or fees paid to the employee excluding mileage reimbursement. The time spent in such service shall be reported as jury service or court leave. The employee shall submit jury pay to the city to receive their regular pay. No pay, however, shall be given to any employee who is a direct party or immediate family member of a direct party to a personal lawsuit or legal matter.

Section #390 – School Conference and Activities Leave

Any employee averaging at least 20 hours work per week may take up to 16 hours of leave without pay during any 12-month period to attend school conferences or classroom activities related to employee's natural, foster, or legally adopted child under age 20 and while a student in secondary school or until age 20, whichever comes first, provided the conferences or classroom activity cannot be scheduled during non-work hours. If the need for the leave is foreseeable, the employee should schedule the leave at least five days in advance, and a reasonable effort must be made to schedule the leave so as to not unduly disrupt City of Red Wing operations.

Section #400 – Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) is intended to ensure employees a minimum amount of time away from work to tend to personal or immediate family member illnesses. An employee's spouse, children (son or daughter) and parents are immediate family members for purposes of FMLA. The term "parent" does not include a parent "in-law." The terms son or daughter do not include individuals age 18 or over unless they are "incapable of self-care" because of a mental or physical disability that limits one or more of the "major life activities" as those terms are defined in Equal Employment Opportunity Commission (EEOC) regulations under the Americans With Disabilities Act (ADA). The FMLA does not require such time to be paid leave. In no event will sick leave, maternity leave, parenting leave, FMLA leave or other similar leaves be "compounded" or "pyramided" to allow them to run consecutively.

Employees must have worked 1250 hours or more during the year prior to the leave request to be eligible for FMLA leave. After the employee uses five or more consecutive days of sick leave, it will be designated as FMLA leave. The department/division head is

responsible for completing the necessary leave forms and informing the Employee Services Division of the FMLA leave.

Eligible employees may take up to 12 workweeks of unpaid leave during a 12 month period for:

- Care for a newborn or a newly adopted child or a newly-placed foster child;
- Care for a spouse, son, daughter or parent with a serious health condition;
- Care for themselves during a serious health condition;
- Any exigency (situations in which the employee is needed to fulfill family and childcare responsibilities) arising out of the spouse, son, daughter or parent being called to active duty in the Armed Forces in support of a contingency operation (military operation executed by the Secretary of Defense).

Eligible employees may take up to 26 workweeks of unpaid leave during a 12 month period to:

- Care for a spouse, son, daughter, parent or next of kin who is a covered service member of the Armed Forces and who suffered a serious injury or illness while on active duty.

A “covered service member” means 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 on the temporary disability retired list, for a serious injury or illness.

Serious injury or illness of service members includes:

An injury or illness incurred by the member in line of duty while on active duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.

For purposes of establishing the 12-month period for maximum allowed FMLA leave, the period shall start on the day of the first leave requested under the FMLA. If an eligible employee qualifies for more than one type of leave, the most generous provisions applicable to any part of the terms and conditions of such leave may be utilized.

During the single 12-month period, an eligible employee shall be entitled to a combined total leave of 26 workweeks for leave that falls under the general FMLA requirements and for leave under the service member family leave requirements.

Likewise, the employee will be deemed to have applied for all applicable leave(s) and any time limits imposed under the provision of the leave will run concurrently.

Section #405 Family Leave of Military Personnel

State laws provide for and regulate leave to immediate family members of military personnel under Minnesota Statutes, Sections 181.947-181.948, as amended. Minnesota law requires employers to provide:

- Unpaid leave of up to 10 days to immediate family members of military personnel who are injured or killed while engaged in active service. Immediate family members, for purposes of this section, include parents, children, grandparents, siblings or a spouse. The employee is to provide as much notice as practicable. Unpaid leave may be reduced by any paid leave. See Minnesota Statutes, Section 181.947.
- Unpaid leave to an employee to attend the send-off or homecoming ceremony for an immediate family member who is mobilized to active military service in support of a war or other national emergency unless the leave would unduly disrupt the operations of the employer. The employer may limit the amount of leave to the actual time necessary to attend the ceremony, to a maximum of one day's duration per calendar year. This section applies to grandparents, parents, legal guardians, siblings, children, grandchildren, spouses and fiancées. See Minnesota Statutes, Section 181.948.

The City will allow the unpaid leave to be reduced by accrued benefits such as vacation or comp time, if available.

Section #410 – Parenting Leave (Minnesota Statutes, Section 181.941, as amended)

Any employee averaging at least 20 hours work per week during the last 12 consecutive months may be granted unpaid parenting leave for the birth or adoption of a child for up to six consecutive weeks. Sick leave used does not count toward parenting leave.

Notice of intent to take parenting leave must be made at least two weeks prior to the commencement of the leave and no parenting leave shall commence after the later of six weeks after the birth or adoption of the child or the date when the child leaves the hospital when the child is hospitalized longer than the mother is after the birth. Employees may substitute earned vacation leave or other authorized compensated leave time for any part of parenting leave.

During parenting leave group health insurance benefit coverage will continue for a participating employee provided the employee pays the full cost, on a pro rata basis, of the coverage during any unpaid portion of parenting leave.

Section #420 – Volunteer Leave

The City of Red Wing encourages its employees to involve themselves in community and civic organizations of a volunteer nature and, further, recognizes that at times such activities may conflict with the employee's primary city employment. Generally, employees

are expected to work in the performance of their duties for all hours which they are paid unless on authorized leave.

To promote essential volunteer activities (fire, police, EMS, etc.) and yet assure that work is completed, any employee wishing to use paid work time for essential volunteer activities must request the approval of his/her supervisor. The City Council Administrator shall approve the type of volunteer activity. Provided that the request will not interfere with normal and necessary City of Red Wing functions and the City Council Administrator has approved the type of activity, the affected employee's supervisor may grant the request. All hours granted must be fully accounted for on the employee's electronic time card and in no event can any employee use or receive pay for more than 24 working hours per year without the specific approval of the City Council.

This privilege shall not be deemed a right of any employee. The City may deny or impose restrictions and conditions on any request. The employee must be actively involved and function in significant capacity as opposed to passive participation. In no event will compensation be paid for conventions, training sessions, or other activities that are non-essential and not required for the direct delivery of essential services. Time off with pay for all other reasons will not be granted; however, when properly requested, employees may use vacation time or other authorized leave with or without pay.

Section #430 – Social Events

Employees of the City of Red Wing are encouraged, but not required, to attend authorized City employee social events. Employees are also encouraged to offer suggestions for and to assist in the planning of these events. Social events which have been enjoyed by all in the past years have been City picnics, holiday (Christmas) parties, Employee Recognition Banquet and coffee hours in honor of certain employees or on special holidays or events. Employees voluntarily going to and from, and attending these events are responsible for their own actions and not covered by such things as workers' compensation.

Section #440 – Severe Weather

The purpose of this policy is to establish in writing a procedure of how employee attendance is treated when City facilities are closed due to inclement weather (such as unusually heavy snowfalls or unusually icy road conditions) and under what conditions City facilities may be declared closed.

It is the policy of the City of Red Wing to continue to provide service to its citizenry whenever and wherever possible. In attempting to provide such service, the City also acknowledges that the safety and welfare of its employees is important. The balancing of these considerations should be taken into account in each such hazardous weather or other emergency situation.

Generally, City services will remain open in hazardous weather or emergency situations. Employees who are unable to report to work may use vacation or take unpaid time off for the hours which they are unable to report to work. The City of Red Wing may require employees to report to locations other than their normal place of work if conditions permit. In the event facilities are closed, employees may use accrued vacation, comp time or may make a request to their supervisor to make up the hours missed, if available, during that week. The decision to close City of Red Wing facilities will be made by the City Council Administrator or designee.

Section #450 – Unauthorized Leave

All employees not on an authorized leave are expected to promptly report for work at the normal, regular, or scheduled time. An employee who cannot show up for work for any reason must give at least 30 minutes of advance notice to his/her supervisor and/or department/division head along with an acceptable reason for such absence. Failure of an employee to comply with this regulation shall, without good cause for such non-compliance, result in severe disciplinary action including discharge.

Unless there are significant extenuating circumstances prohibiting the employee from contacting their supervisor, an employee shall be deemed to have resigned upon failure to show up for work the second day without contacting their supervisor and being granted valid leave.

Section #470 – Reassignment/Transfer

In the event that layoffs are being considered, the City of Red Wing will attempt to utilize current employees in other positions within the City in lieu of layoff. Current City employees may be offered a job opportunity and associated training that may not have been available to them without this policy.

Affected employees may be offered or have the opportunity to apply for reassignment to other City positions, if available. A reassignment announcement may be posted in the affected department that is proposing a workforce reduction. Employees may contact Employee Services if interested in reassignment.

The City of Red Wing Personnel Policy, Pay Plan or Union Contract would govern terms and conditions of employment for reassigned employees to the position to which they are being assigned. Employees reassigned would in most cases start at the beginning wage for the position to which they are reassigned. Seniority will accrue from initial City of Red Wing employment date in regard to benefit accruals, except for individuals who are covered under union contract, where in such cases the union contract shall govern.

Qualifications

Minimum qualifications will normally need to be met in order to sign a posting or fill a position. In some cases, the City of Red Wing may temporarily waive the minimum qualifications. Any such waiver of the qualifications will result in a specific time frame with the reassigned employee to meet the minimums of the job. The reassigned employee must demonstrate the ability to perform the essential functions with a satisfactory performance. In all cases the normal probationary period for a new employee hired to the position will apply.

Section #480 – Separation of Employment

The employee shall give prior written notice to the City of Red Wing of resignation per the following: if paid hourly, a two-week notice is required, if salaried, a 30-day notice is required to resign in good standing. In accruing vacation and sick leave for purposes of calculating severance pay, any accrual shall be prorated based in proportion to the number of days in the pay period and the number of days employed. The hourly figure used in computing payment for unused accrued vacation and sick leave will be determined by dividing the annual salary by 2080. When a resignation is received, Employee Services will respond immediately with a letter indicating that the resignation has been accepted with an official date of separation. Once this letter is generated, the action may not be rescinded.

Accrued Sick Leave Payment

Normal sick severance is one third of the accrued sick leave balance payable in (taxable) cash.

If enrolled in the Health Care plan, the employer shall deposit equal to one third of the severance sick leave payment as stated into the Employee's Health Reimbursement Account (HRA if eligible.) for employees as listed on the chart below or by union contract language if applicable.

To receive sick leave pay when retiring or resigning from employment, employees must give prior notice of their date of retirement/resignation as required for the payment of accrued sick leave

Employees who are involuntarily laid off or are terminated with a separation agreement, shall receive severance pay in one lump sum payment equal to one third of all accumulated accrued sick leave times his/her current hourly rate of pay. The funds will be split and the employee will receive fifty percent of the value of the employee's accrued sick leave in taxable cash benefit with the untaxed cash balance placed into the employees' Health Reimbursement Account (HRA). Employees who are terminated without a separation agreement or resign while not in good standing forfeit their right to receive and will not be entitled to any payment for accrued sick leave.

Upon the death of an employee, his/her estate shall receive severance pay in one lump sum cash payment equal to one third of all accumulated accrued sick leave times his/her current hourly rate of pay.

Accrued Vacation Leave Payment

Normal vacation severance is one lump sum (taxable) cash payment equal to one hundred percent of all accrued vacation times his/her current hourly rate of pay.

If enrolled in the Health Care plan, the employer shall deposit severance payment as stated into the Employee's Health Reimbursement Account (HRA) for employees as listed on the chart below or by union contract language if applicable.

To receive accrued vacation pay when retiring or resigning from employment, employees must give prior notice of their date of retirement/resignation as required for the payment of accrued vacation.

Employees who are involuntarily laid off or are terminated with a separation agreement, and are enrolled in the City Health Plan shall receive severance pay in one lump sum payment equal to one hundred percent accrued vacation leave times his/her current hourly rate of pay. The funds will be split and the employee will receive fifty percent of the value of the employee's accrued vacation leave in taxable cash benefit with the untaxed cash balance placed into the employees' Health Reimbursement Account (HRA).

In the case of death of an employee, an employee or his/her estate shall receive severance pay in a one lump sum payment equal to one hundred percent of the accrued vacation leave times his/her current hourly rate of pay.

Health Reimbursement Account (HRA) Eligible Employees

An employee is eligible to participate in this plan as stated in the Reimbursement Account Basic Plan and Trust Document Adoption Agreement for the City of Red Wing. Eligible employees shall have their severance payment deposited to their Health Reimbursement Trust account as specified below.

Less than 5 years City employment	100 percent cash out
5-10 years City employment	25 percent to HRA
10-15 years City employment	50 percent to HRA
15 + years City employment	100 percent to HRA

Involuntary Separation

In exceptional cases of involuntary separation (including those where a resignation is requested), the City Council Administrator may authorize a payment not to exceed six months regular pay and benefits and the amount that would have been paid if the separation were voluntary in consideration of the employee by written agreement waiving any and all claims against the City of Red Wing and its individual employees that relate to

the employee's employment and separation. Such agreements must be approved as to form by the City Attorney before they are accepted.

Layoff

The City Council Administrator may lay off any employee whenever such action is made necessary by reason of lack of work or funds, abolition of a position, changes in the organization or for any other lawful reason at the discretion of the City.

The City Council Administrator will lay off seasonal, temporary, probationary and/or provisional employees in the same job classification before casual, regular part-time and full-time employees, if the employees are equally able to perform the essential functions and meet the minimum qualifications to perform the work and meet the public services needs of the City. Two weeks advance written notice shall be given for layoffs. Layoffs shall be conducted in reverse order of seniority within job classification (a specific job with a specific job title), when all other qualification and job performance factors are equal.

Four weeks or less

Employees that are laid off for a period of four weeks or less will be provided continuing health care benefits at the rate they received such benefits while employed, with the employee paying for any additional premiums if applicable. Accrued benefits will remain accrued and will not be paid out. Layoffs of less than four weeks will not count against seniority for purposes of benefit accruals.

More than four weeks

Following City Council approval, the City Council Administrator shall lay off regular employees in accordance with the above statement. Laid off employees shall be paid for unused earned vacation and sick benefits accrued in accordance with the City of Red Wing Personnel Policy or Union Contract, where applicable. Laid off employees may be eligible to continue health care under COBRA for 18 months at their own expense. Regular employees that are laid off shall have the right to recall to the same job classification for up to 12 months following the layoff provided they meet the minimum qualifications. An employee returning to the same job classification within 12 months will be placed at the same grade/step and vacation accrual as when they left City employment. An employee returning within 12 months to a different job classification would be paid at the starting rate for that job classification and would receive the vacation accrual rate that they were previously earning.

If any of the foregoing provisions of this policy are inconsistent with the provisions of a union contract or other legal agreement entered into by and between the City of Red Wing and a labor union or other organization on behalf of City employees, such contract shall be determinative as to any such inconsistent provisions. Where said contract or legal agreements do not provide for, or are ambiguous toward a provision provided herein, this layoff policy shall govern

Section #490 – Severance - Group Insurance Continuation

Any employee leaving City employment under criteria established by State and/or Federal law may continue to maintain coverage (COBRA law) under the City of Red Wing's group insurance plans provided payments are made on or before the established due date. Failure to make such payments when due will result in immediate cancellation without the right to reinstatement. Employees discharged for gross misconduct will not be allowed to continue in the group insurance plan beyond the period for which premiums are already paid.

Employees and/or their dependents may continue coverage under the group health insurance plan after separation, death or dissolution of marriage only under situations required by applicable law or allowed under this policy or valid contract and by paying 100 percent of the cost of such coverage.

Section #500 – Safety

All employees are required to conduct their work in an efficient and safe manner. For a full explanation of safety policies and procedures, refer to the City of Red Wing Safety and Loss Prevention Manual. The Safety and Loss Prevention Manual, as amended from time to time, is hereby incorporated in this section by reference. A current copy of the manual is maintained in the Employee Services Division and by each department head for your reference. In addition, employees are deemed to be professionals at their trades and are required to utilize common sense and safety practices that are common and accepted by professionals of such trades.

Accident Reporting

In accordance with the safety manual, employees should promptly report any injury, accident, or dangerous situation to the affected supervisor or the Employee Services Director immediately. Supervisors will complete the Supervisor's Report of Accident and are responsible for reporting to the Employee Services Director.

Surveillance Monitoring

The purpose of this policy is to maintain the safety of the City of Red Wing's employees, to ensure the integrity of City offices and property, to be able to review employee performance for business efficiency purposes, and to prevent theft or improper actions in City buildings or on City property. The policy also will serve as a notification of the potential surveillance to Red Wing employees. The City of Red Wing recognizes the value of video, audio, and other electronic surveillance systems in monitoring activity on City property in furtherance of the purposes outlined by this section.

The Red Wing Police Department Policy #40 – Mobile Video Recording Equipment and #48 – Mobile Data Computer Use is similar in nature and should be reviewed as well, if applicable.

By adopting this Policy, the City seeks to maximize the benefits of technology in protecting the City’s employees, assets, and interests.

I. Definitions

For purposes of this policy, the following definitions apply:

City Buildings, Grounds, Vehicles or Property

Any reference to the terms “buildings,” “grounds,” “vehicles,” or “property” shall mean any and all buildings, grounds, vehicles, or real or personal property owned, used, maintained, insured, rented, leased, or otherwise controlled by the City of Red Wing. The terms in this policy shall be read broadly to include any and all buildings, grounds, vehicles, and property which may fall under these categories.

Employee

The term “employee” shall mean all persons, including officers and officials, who receive pay or compensation, in whole or in part, from City funds; all persons who are working under the direction or control of any official, division or department of the City; all persons who perform work for the City on a voluntary basis without pay or other form of compensation; and all persons serving with or without compensation as a member of a board, task force or commission established by the City.

Person

The term “person” means any user or employee as defined herein, and does, in the appropriate circumstance, include natural persons or individuals, corporations, partnerships, associations, government agencies and other governmental entities and/or any other form of legal entity. It also includes any representative or agent of a person.

Government Data

The term “government data” will have the definition set forth in Minnesota Statutes section 13.02, subdivision 7, as amended. Thus, government data includes, but is not limited to, all data collected, created, received, maintained or disseminated by any agent or employee of the City.

II. Expectation of Privacy

Employees and other persons have no expectation of privacy while in City buildings or on City grounds. Employees have no expectation of privacy while serving in their official capacity as a City employee. All City buildings and grounds, including but not limited to parking lots, building exteriors, public areas, offices, cubicles, hallways, common areas, and break rooms are subject to periodic inspection and monitoring. As such, no person or employee may have a reasonable expectation of privacy while in City buildings or on City grounds. By entering on to City property, employees and other persons consent to such monitoring.

III. General Statement of Video Surveillance Policy

A. Placement

1. Video surveillance may occur in any City building, on any City property, or at any other location under City control as determined by the City.
2. All City buildings and grounds may be equipped with video cameras, including but not limited to parking lots, building exteriors, public areas, offices, cubicles, hallways, common areas, and break rooms
3. Video surveillance will not normally be used in bathrooms. Video surveillance in bathrooms will only be utilized in extreme situations, and will only be utilized when the City's need to use the video surveillance significantly outweighs the generally accepted right to privacy in bathrooms. Before any such surveillance occurs, the City will notify its employees of the use of bathroom surveillance.

B. Use of Video Recordings

1. Video recordings or surveillance will be viewed by City personnel on a random basis, or when problems have been brought to the attention of the City.
2. City Council or other meetings may be recorded through video means by the City for any purpose, and as such, no employee or member of the public who speaks or appears during the recorded portion of the meeting has an expectation of privacy in their statements or images of themselves made during the recording.
3. If a recording by video means is made by the City, it will be maintained and released to the public in conformance with the Minnesota Government Data Practices Act, Minnesota Statutes. Chapter 13, and the rules and/or regulations promulgated thereunder.

IV. General Statement of Audio Recording Policy

A. Use

1. Audio surveillance will generally not be utilized by the City except as provided in this section.
2. City Council or other meetings may be recorded by audio means, and as such, no employee or member of the public who speaks during the recorded portion of the meeting has an expectation of privacy in their statements made during the recording.
3. A supervisor may record telephone calls made to an employee or received from an employee for legitimate business purposes.
4. If a recording by audio means is made by the City, it will be maintained and released to the public in conformance with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, and the rules and/or regulations promulgated thereunder.

V. General Statement Regarding Global Positioning Systems or other Electronic Monitoring

A. Placement

1. Global Positioning System (“GPS”) or other electronic devices may be installed on and used to determine the location of any City vehicle or property. Employees do not have any expectation of privacy in their location or in the driving route that is being followed while using a City vehicle or property.

B. Use of Electronic or GPS Monitoring

1. All GPS or other electronic monitoring devices may be used by the City to determine better driving routes for City vehicles, the location of vehicles, property, or employees, or for surveillance or other legitimate business purposes as determined by the City.
2. Records of GPS or other electronic monitoring will be viewed by City personnel on a random basis, or when problems have been brought to the attention of the City.
3. Any records created by the City of GPS or other electronic monitoring will be maintained and released to the public in conformance with the

Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, and the rules and/or regulations promulgated thereunder.

VI. Right to Discipline

Any improper or inappropriate employee behavior recorded or witnessed via video, audio, GPS, or other electronic monitoring may form the basis for the City to discipline said employee for any behavior that violates the law, the personnel policies of the City, or reasonable standards of behavior for employees. All employees are hereby notified that any recorded or observed action which violates the law, the City's personnel policies, or reasonable standards of behavior for employees may result in discipline.

Section #510 – Transitional Duties

In lieu of termination or use of paid or unpaid leave, the City of Red Wing may assign temporary work duties for employees who have a work related injury or medical condition that has resulted in medical restrictions, which prevent or interfere with the performance of regular work duties. Work restrictions will be evaluated and temporary duty assignments determined by the Employee Services Director.

The Employee Services Director will work with the injured employee and the immediate supervisor to expedite the return-to-work process. In general, transitional duty assignment will last no longer than six weeks, and be paid at the employee's normal rate of pay. When an employee cannot return to his/her normal job duties because of medical restrictions, the City may transfer or assign an employee to a different job at that job's pay rate. An evaluation period will be established to assure the employee has met the job duty requirements and qualifications.

Section #520 – Smoking Prohibition

All tobacco use (including cigarettes, cigars and/or pipes in the electronic form) is prohibited inside all City of Red Wing facilities and vehicles. "City Facility" means any enclosed, indoor area which is owned or controlled by the City of Red Wing or supported by City of Red Wing tax revenues including, but not limited to, offices, and other work areas, public means of transportation (buses), city vehicles, waiting areas, elevators, hallways, restrooms, auditoriums, polling places, and rooms in which a public meeting, hearing, or other official proceeding open to the public is in progress. Tobacco use shall also not be permitted within 20 feet of the entrance to any City facility. Not included in this definition are any City-owned buildings under lease to groups or individuals, provided that such lessees are free to prohibit smoking within all portions of such buildings.

Section #530 – Confidentiality

As an employee of the City of Red Wing, you will acquire information on many citizens, business firms, city employees and other individuals. Discussions of these matters and information (whether or not classified as public, non-public, private or confidential) with other individuals during work time for whom the information is not specifically intended or needed is prohibited. Discussion of this type of information, even if it is public data, outside work time is discouraged.

In any situation, other than when needed as part of a bona fide job duty, any discussion or dissemination of other than legally classified public information is a serious offense, strictly forbidden, and can result in disciplinary action and, at times, personal legal actions against an offending employee in a criminal offense.

Generally, all employees should encourage confidentiality. Gossip, rumors and hearsay discourage high employee morale and good community relations and therefore these activities are strongly discouraged.

Section #540 – Unlawful Acts

Any employee found after investigation to be conducting an unlawful act, participating in, failing to report to an appropriate supervisor, or in any other manner aiding or abetting a dishonest, illegal, or discriminatory act against or affecting in any manner the City of Red Wing shall be appropriately disciplined and if appropriate, prosecuted under law for such act.

Section #550 – Ethics

Purpose

The proper operation of democratic government requires that all public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policies be made in the proper channels of government structure; that public employment and public office not be used for personal gain; and that the public have confidence in the integrity of its government. Public employees and officials are held to a high standard of honesty, integrity, trustworthiness, confidentiality, impartiality and conduct. Even a hint of impropriety diminishes the confidence residents have in their government, thereby decreasing the ability of the City of Red Wing to effectively govern.

Definitions

For purposes of this policy, the following definitions apply:

1. **Public Official.** Any person who has been elected to office, appointed by the City Council, or appointed to a City Board or Commission. See also City Council Code of Ethics.

2. **Public Employee.** Any person employed by the City who is not classified as a public official.

3. **Financial Interest.** Any interest that yields, directly or indirectly, a monetary or other material benefit (other than duly authorized salary or compensation for services to the City) to the public official or public employee, the spouse of the public official or public employee, or any minor children within the custody and control of the public official or public employee.

Ethical Behavior

Public officials and employees are agents of public purpose, and to that end shall carry out the duties of their positions impartially, and shall not perform services for personal profit or request or permit the use of City equipment or facilities for personal profit, except when available or provided to others on a similar basis.

All public officials and employees of the City shall be dedicated to fulfilling the responsibilities of their public service. They shall be dedicated to the public purpose and all programs developed by them shall be in the community interest.

Conflicts of Interest

1. Public officials and employees are prohibited from engaging in any activity, either directly, or through an immediate family member or other person acting on their behalf, which will conflict, or may reasonably be viewed as conflicting with, the official's or employee's obligations and responsibilities to the City. Officials and employees shall not use the City's name, information, or goodwill for personal gain. Certain acts give rise to a public perception of a conflict of interest. Therefore, an employee or public official of the City of Red Wing shall avoid any action which might result in or create the appearance of:

- Using public office for private gain
- Giving preferential treatment to any person
- Losing independence or impartiality
- Making a City decision outside official channels

2. Except as authorized in Minnesota Statutes, Section 471.88, as amended, a public official or employee who is authorized to take part in any manner in making any sale, lease, or contract in an official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. Except as prohibited by Minnesota Statutes, Section 471.87, as amended, there is no violation of this section for a matter that comes before a council, board, or commission if the member of the council, board, or commission

publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter.

3. Public officials and employees may not use inside information for private gain for himself/herself, or another person, particularly one with whom he/she has family, business, or financial ties. Inside information means information obtained under City authority which has not become part of public information.
4. No public official or employee shall have a statutory conflict of interest with his/her City duties and responsibilities, except as allowed in Paragraph 2. If a public official or employee has a common law conflict of interest as defined by Minnesota law, such conflict may be cured by disclosing the conflict and abstaining from the making of any official decision on the activity that is the subject of the conflict.
5. No public official or employee shall use or attempt to use his/her official position to secure benefits, privileges, exemptions or advantages for himself/herself or his/her immediate family or an organization with which the officer, agent or employee is associated.
6. No public official may represent private interests before the City Council or any City committee, board, commission or agency.

Attorney/Client Privilege

No public official or employee may disclose information received, discussed, or decided in conference with the City's attorney that is protected by attorney/client privilege, unless a majority vote of the City Council authorizes the disclosure.

Gifts

Except as otherwise noted, an employee shall not solicit or accept directly or indirectly, any gifts, gratuity, favor, entertainment, loan or any other thing of monetary value from a person who:

- Has, or is seeking to obtain contractual or other business or financial relations with the City of Red Wing, including those participating or seeking to participate in programs supported by state and federal funds;
- Conducts operations or activities that are required or overseen by the employee's department; or
- Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty

If an employee attending a conference or events wins a random drawing for an item from the conference organization, the employee is not deemed to have violated the gift policy.

As long as the item was not given directly by an "interested person" as defined in Minnesota Statutes Section 471.895, subdivision 1(c), as amended. (An "interested

person” is currently defined as “a person or a representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make.

Acceptance of food and refreshment of nominal value on infrequent occasions in the course of a meeting or inspection where the employee may properly be in attendance, or acceptance of plaques or similar mementoes recognizing individual services will be deemed not to violate this policy.

Sanctions

Employees who have violated the City of Red Wing’s ethics policy may face the sanctions outlined in the Personnel Policy Manual. Public officials who have violated this policy may face sanctions from the City Council. These sanctions are in addition to any sanctions which may be imposed to public officials and employees under state or federal law.

Section #560 – Acceptance of Gratuities

Pursuant to state law, no City employee or official shall accept a gift from any interested party. Interested parties include all citizens/taxpayers of Red Wing, other people or businesses to which the City provides goods or services or from which the City receives goods or services. Any gift left or delivered to a city employee(s) shall be either immediately returned or turned over to the City Council Administrator for donation to a local charitable cause.

A gift means money, property, services, loan, forgiveness of debt, or promise of employment that is given and received without consideration of equal or greater value given in return. It is not considered to be a gift pursuant to this policy for an employee to receive items from close friends or immediate family members or for other purposes when the receipt of the item is totally unrelated (including the relationship between the parties) to City employment.

Section #565 - Public Purpose Expenditures

The following items are deemed to meet the Council definition of public purpose expenditures and are eligible for reimbursement or for the use of City funds to purchase said items. Items not included in the following categories of spending are deemed to be inappropriate, and are not eligible for reimbursement by the City or for the use of City funds to purchase said items.

Meals and Refreshments

- a. Are allowed as part of a City business meeting in which the character of the meeting would involve predominately non-City employees.
- b. When they are part of a breakfast/lunch/dinner meeting for official City business when it is the only practical time to meet, or when it involves non-City employee

participants (e.g., business developers or business representatives). Only the expenses incurred by City employee(s) may be reimbursed. The City Council Administrator may allow exceptions when deemed to be in the interest of the City.

- c. During non-routine, official meetings of the City Council Administrator, City Council, committees or subgroups.
- d. When they are part of the structured agenda for a conference, workshop, seminar or meeting that the City Council Administrator or a department head has authorized the employee to attend (this does not include routine staff meetings).
- e. For department-sponsored meetings, conferences or workshops where the majority of invited participants are not City employees.
- f. At department-sponsored events where registration fees are charged and the majority of invited participants are not City employees.
- g. At meetings consisting primarily of City employees when the refreshment and/or meals are an integral part of the event and are necessary to sustain the flow of the meeting and to retain the captive audience, and if the meeting is one of the following:
 - 1) A division-wide annual/quarterly staff meeting for all employees
 - 2) A non-routine senior staff or organizational meeting
 - 3) An organization-wide or division-wide annual/quarterly staff meeting for all managers/supervisors
 - 4) With the exception of structured training sessions, for the purpose of this policy, the meetings described shall be held no more frequently than once per quarter. All meetings shall be scheduled to minimize inclusion of meals.
- h. During official meetings of the City Council, council committees, advisory boards/commissions and task forces when they are of a non-routine basis or when special events are held (e.g., retirements or recognition).
- i. A dinner meal to be allowed for staff during performance of election related duties on Election Day.

Recognition Events/Purchases

- a. Refreshments for recognition or special one-time or once-per-year events when provided at modest level with prior City Council Administrator approval, such as:
 - 1) Annual Employee Week, Employee of the Month and Employee Picnic
 - 2) Annual Clean Up Day
 - 3) Annual Employee Recognition Celebration
 - 4) YMCA Challenge Games
 - 5) Wellness Programs
- b. Recognition gift purchases must be at a nominal cost not to exceed \$25 per employee, unless part of a City Council-approved employee compensation program. Recognition gift purchases over \$25 but less than \$250 per employee event, such as caps, pins, rings, watches, statues, plaques, medals, awards, ribbons and certificates will be awarded as approved by the City Council Administrator or his/her designee for retirement and extraordinary individual or team contributions. The City Council will annually appropriate funds to the City

Council budget to pay for such expenditures. Annual Employee Recognition Awards – Years of Service awards for regular full-time and part-time employees recognized at five-year intervals and will be awarded at the Annual Recognition Event.

- c. Departmental recognition purchases remain separate from the City Council budget.
- d. Recognition of boards and commission members and volunteers for dedication to the City organization will be recognized at the organizational meeting and other occasions.

Special Events

- a. Expenditures for meals and participation fees are allowed and representative staff members may participate in events that directly benefit the marketing of the City. Such expenditures will be approved by the City, or by the Port Authority as Public Relations Expenditures, pursuant to Minnesota Statutes, Section 469.101, Subdivision 16, as amended.
- b. Examples of special events include Night to Unite, Volunteer Recognition events and other events that involve or invite participation by the general public

Refreshments and Food for Emergency Response Staff

Because emergency personnel are often called to perform for extended periods of time and duties where refreshments are important to duty performance, firefighters, police officers and other emergency response personnel may be provided refreshments or food when it is deemed appropriate by the City Council Administrator, or department head, to ensure the delivery of quality emergency response service.

Employee Training

- a. Costs for reasonable registration, tuition and travel expenses for conferences, seminars, and training sessions are allowed, as well as workshops, tuition and approved city employment-related course work in accordance with City of Red Wing Personnel Policy and or Administrative Orders.
- b. Costs are allowed for tuition assistance required for retraining as part of a planned organizational change based on an organization change plan.

Memberships and Dues

Costs are allowed to pay for membership fees and dues when the primary purpose of the membership is for public benefit and not personal interest or gain in accordance with City of Red Wing Personnel Policy.

Alcoholic Beverages

The purchase of alcoholic beverages is not allowed.

Clothing and other Sundry Items

- a. City Council members, employees, volunteers and board and commission members may receive T-shirts and other sundry items of nominal value when these items are made available to the general public or if these items are determined by the City Council Administrator to be important to the successful involvement of employees in special city-sponsored events to build morale and camaraderie (e.g., National Night Out, YMCA Challenge Games, etc.).
- b. Employees may be supplied with uniforms, clothing, boots and other gear necessary for the performance of their job.

Section #570 – Outside Employment

No employee shall accept outside employment/contract whether it be part-time, temporary, or permanent when said outside employment would conflict or interfere, or is likely to conflict or interfere, with the employee's municipal service. Employment with the City of Red Wing must be primary. Employees must be available for call back, overtime and other work-hour changes and make necessary advance arrangements with outside employers.

Generally, the City Council does not encourage outside work by City of Red Wing employees. The impact of any outside work will be evaluated as it relates to job performance. Each department shall be responsible for the regulation of outside work by its employees in accordance with the provisions of this policy.

Employees may not engage in any outside occupation, employment or business which might hinder their impartial or objective performance of their public duties, be incompatible with their City employment, impair their efficiency on the job, or create the appearance of or an actual or potential conflict of interest between City duties and the outside duties or interests that they are permitted to undertake through this section.

Employees shall notify their supervisor in writing of their plans to engage in outside work. If the supervisor believes the planned outside work would violate conditions as outlined in this section, the supervisor will so notify the employee in writing within ten working days of receipt of the notice from the employee. Outside work shall be regarded as secondary to regular City of Red Wing employment and shall not interfere with the availability of employees for emergency or call in duty. The City's worker's compensation insurance does not cover any individual injured in the course of outside employment.

No employee shall, while on duty, accept pay or compensation from anyone for work rendered. The employee may engage in outside employment during vacation and holiday leave as long as all rules of this policy are complied with. Such outside employment must be approved by the employee's Supervisor.

Employees are prohibited from working for any contractor or company that has a contract with the City of Red Wing during the period of construction work for the City.

Section #580 – Political Activity

Nothing in this Section shall be construed to prevent any employee from becoming or continuing to be a member of a political party, club or organization or from attending a political meeting or from enjoying entire freedom from all interference in casting his/her vote.

Employees shall comply with all state and federal laws governing the political activity of local government employees. The following rules shall apply to all City of Red Wing employees:

Candidates for Public Office

Any City employee who shall become a candidate for any elective public office of the City of Red Wing shall automatically be given a leave of absence without pay until they are no longer a candidate or office-elect for such office. Vacation leave, if available, may be used during this leave of absence. If elected, such employee shall resign upon taking office.

Campaigning

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.

Election Days

Every employee who is entitled to vote in any state-wide General Election or at any election to fill a vacancy in the office of Representative in Congress is entitled to absent themselves from their work for the purpose of voting during the morning of such Election Day without penalty or deduction from their salary or wages because of such absence. Any employee making a claim for time off for voting who does not actually use that time for voting shall be subject to disciplinary action.

Section #585 – Social Media Policy

Purpose

This Social Media Policy (“Policy”) establishes guidelines for the establishment and use by the City of Red Wing (“City”) of social media sites as a means of conveying information to members of the public.

The intended purpose of City social media sites is to disseminate information from the City about the City’s mission, meetings, activities, and current issues to members of the public.

The City has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites and the content that is attributed to the City and its officials.

The City of Red Wing recognizes that you may wish to use social media in your personal life. This policy does not intend to discourage nor unduly limit your personal expression or online activities.

However, you should recognize the potential for damage that might be caused (either directly or indirectly) to the City of Red Wing in certain circumstances based on your personal use of social media when you can be identified as a City of Red Wing employee. Accordingly, it is highly recommended you comply with this policy to ensure that the risk of such damage is minimized.

Definitions

“Social media sites” means content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the internet. Examples of social media include, but are not limited to, Facebook, Twitter, Blogs, RSS, YouTube, LinkedIn, Delicious, and Flickr.

“City social media sites” means social media sites which the City establishes and maintains, and over which it has control over all postings, except for advertisements or hyperlinks by the social media site’s owners, vendors, or partners. City social media sites shall supplement, and not replace, the City’s required notices and standard methods of communication.

“Posts” or “postings” mean information, articles, pictures, videos or any other form of communication posted on a City social media site.

General Statement of Policy – City Social Media Sites

- 1.1. The City’s official website at www.red-wing.org (or any domain owned by the City) will remain the City’s primary means of internet communication.
- 1.2. The establishment of City social media sites is subject to approval by the Director of Information Services and City Council Administrator. Upon approval, City social media sites shall bear the name and/or official logo of the City.

- 1.3. All content on City social media sites shall be reviewed, approved, and administered by the City's Information Services Director, or designee.
- 1.4. City social media sites shall clearly state that such sites are maintained by the City and that the sites comply with the City's Social Media Policy.
- 1.5. City social media sites shall link back to the City's official website for forms, documents, online services and other information necessary to conduct business with the City.
- 1.6. The City's Information Services Director, or designee, shall monitor content on City social media sites to ensure adherence to both the City's Social Media Policy and the interest and goals of the City.
- 1.7. City social media sites shall be managed consistent with the Open Meeting Law. Members of the City Council, Commissions and/or Boards shall not use City social media sites to respond to, "like", "share", re-tweet or otherwise participate in any published postings, or use the site to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body. This section shall not prohibit these individuals from making necessary communications about City business.
- 1.8. The City reserves the right to terminate any City social media site at any time without notice.
- 1.9. City social media sites shall comply with usage rules and regulations required by the site provider, including privacy policies.
- 1.10. The City's Social Media Policy shall be displayed to users or made available by hyperlink.
- 1.11. All City social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
- 1.12. City social media sites are subject to the Minnesota Government Data Practices Act. Any content maintained on a City social media site that is related to City business, including posted communication and communication submitted for posting, may be considered a public record and subject to public disclosure. All postings on City social media sites shall be sent to an official City e-mail account and maintained consistent with the Data Practices Act.
- 1.13. Employees representing the City on City social media sites shall conduct themselves at all times as a professional representative of the City and in accordance with all City policies.

- 1.14. All City social media sites shall utilize authorized City contact information for account set-up, monitoring and access. The use of personal e-mail accounts or phone numbers by any City employee is not allowed for the purpose of setting-up, monitoring, or accessing a City social media site.
- 1.15. City social media sites may contain content, including but not limited to, advertisements or hyperlinks over which the City has no control. The City does not endorse any hyperlink or advertisement placed on City social media sites by the social media site's owners, vendors, or partners.

Content Guidelines

- 1.1. The content of City social media sites shall only pertain to City-sponsored or City-endorsed programs, services, and events. Content includes, but is not limited to, information, photographs, videos, and hyperlinks.
- 1.2. Content posted to the City's social media sites must contain hyperlinks directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct business with the City of Red Wing, whenever possible.
- 1.3. The City shall have full permission or rights to any content posted by the City, including photographs and videos.
- 1.4. Any employee authorized (means by the following; City Council Administrator, Information Services Director, Department Head or designee) to post items on any of the City's social media sites shall review, be familiar with, and comply with the social media site's use policies and terms and conditions.
- 1.5. Any employee authorized to post items on any of the City's social media sites shall not express his or her own personal views or concerns through such postings. Instead, postings on any of the City's social media sites by an authorized City employee shall only reflect the views of the City.
- 1.6. Postings must contain information that is freely available to the public and not be confidential as defined by any City policy or state or federal law.
- 1.7. Postings may NOT contain any personal information, except for the names of employees whose job duties include being available for contact by the public.
- 1.8. Postings to City social media sites shall NOT contain any of the following:
 - 1.8.1. Comments that are not topically related to the particular posting being commented upon;
 - 1.8.2. Comments in support of, or opposition to, political campaigns, candidates or ballot measures;

- 1.8.3. Profane language or content;
 - 1.8.4. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;
 - 1.8.5. Sexual content or links to sexual content;
 - 1.8.6. Solicitations of commerce;
 - 1.8.7. Conduct or encouragement of illegal activity;
 - 1.8.8. Information that may tend to compromise the safety or security of the public or public systems; or
 - 1.8.9. Content that violates a legal ownership interest of any other party.
 - 1.8.10. Photos that could identify subjects that are protected by State Statute and Federal regulations
- 1.9. These guidelines shall be displayed to users or made available by hyperlink on all City social media sites. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster, when available.
 - 1.10. The City reserves the right to implement or remove any functionality of its social media site, when deemed appropriate by the Information Services Director and/or the City Council Administrator. This includes, but is not limited to, information, articles, pictures, videos or any other form of communication that is posted on a City social media site.
 - 1.11. Except as expressly provided in this Policy, accessing any social media site shall comply with all applicable City policies pertaining to communications and the use of the internet by employees, including e-mail content.

General Statement of Policy – Personal Social Media Sites

You are personally responsible for the content you publish in a personal capacity on any form of social media platform. When in doubt, you should seek guidance from the Employee Services or Information Services Divisions on how to comply with the following obligations.

Where your comments or profile can identify you or you can reasonably be expected to be identified as a public servant, you shall:

- 1.1. only disclose and discuss publicly available information

- 1.2. ensure that all content published is accurate and not misleading and complies with all relevant City Policies
- 1.3. expressly state on all postings that identify you as a City Employee that the stated views are your own and are not those of the City of Red Wing
- 1.4. be polite and respectful to all people you interact with
- 1.5. adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws.

You shall not:

- 2.1. post material that is, or might be construed as, offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, or is otherwise unlawful towards another employee/contractor of the City of Red Wing
- 2.2. imply that you are authorized to speak as a representative of the City of Red Wing, nor give the impression that the views you express are those of the City of Red Wing
- 2.3. use your City of Red Wing e-mail address or any department or government logos or insignia
- 2.4. use the identity or likeness of another employee, contractor or other member of the City of Red Wing
- 2.5. use or disclose any confidential information obtained in your capacity as an employee/contractor of the City of Red Wing that might otherwise cause damage to the City of Red Wing's reputation or bring it into dispute.
- 2.6. use or disclose any confidential information or personal information obtained in your capacity as an employee/contractor of the City of Red Wing

Reasonable/Unreasonable Personal Use

When accessing social media via the City of Red Wing's Internet, intranet and extranet systems, you must do so in accordance with the City Internet and E-mail Usage Policy, which requires you to use these resources 'reasonably', in a manner that does not interfere with your work, and is not inappropriate or excessively accessed.

Examples of reasonable use include:

- 1.1. re-tweeting content on your own Twitter account
- 1.2. updating Facebook status and posting messages during a lunch break

City of Red Wing resources should not be used to access or post any material that is fraudulent, harassing, threatening, bullying, embarrassing, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory or otherwise inappropriate or unlawful.

You should not use the City of Red Wing Internet and computer resources to provide comments to journalists, politicians and lobby groups other than in the course of your official duties.

It is not acceptable to spend working hours using social media that is not related to your work.

Guidance for navigating legal issues

The following is offered as general guidance to assist you in complying with the obligations set out in this policy. When in doubt, seek further guidance from the Employee Services or Information Services Divisions.

Privacy, confidentiality and information security

You should **not** publish or report on conversations or information that is deemed confidential or classified or deals with matters that are internal in nature.

Copyright

You should respect copyright laws and fair use of copyrighted material and attribute work to the original author/source wherever possible.

Harassment and bullying

The City of Red Wing's Respectful Workplace Policy also applies online and in the physical workplace.

Workplace bullying and harassment includes any bullying or harassing comments employees make online, even on their own private social networks or out-of-office hours.

Abusive, harassing, threatening or defaming postings are in breach of the City of Red Wing Respectful Workplace *Policy*, and may result in disciplinary action being taken.

All employees are expected to treat their colleagues with respect and dignity and must ensure their behavior does not constitute bullying and/or harassment.

Defamation

You should refrain from publishing material that may cause injury to another person, organization, association or company's reputation, and should seek further guidance if publication of such material is thought to be necessary.

Offensive or obscene material

Material may be offensive or obscene and may infringe relevant online classification laws if it is pornographic, sexually suggestive, harassing, hateful, racist, sexist, abusive or discriminatory.

Section #590 – Access to City Internal Mail Systems

Purpose

The purpose of this policy is to provide for access to employee mailboxes and the City of Red Wing's internal mail systems, taking into consideration the objectives and responsibilities of the City.

General Statement of Policy

Employee mailboxes and the City of Red Wing's internal mail systems are reserved for City-related business and the facilitation of internal communication of City-related matters to City employees and volunteers.

Provided, however, employee mailboxes may be opened to non-City persons or organizations that engage in activities of interest and relevance to municipal objectives and responsibilities. Such access by non-City persons or organizations is governed generally (Section #620) regarding distribution of materials on City property by non-City persons. All decisions regarding access to employee mailboxes by non-City persons or organizations will be reviewed and determined by the City Council Administrator. The City Council Administrator is responsible for ensuring that a right of access is extended equally to other entities of a similar nature when employee mailboxes are opened pursuant to this provision.

Employee mailboxes and the City of Red Wing's internal mail systems shall be open to the exclusive representatives of City employees organized into bargaining units under the Public Employment Labor Relations Act on matters within the scope of the official representational duties of the unions.

No literature endorsing any political candidate or other similar political materials shall be distributed in employee mailboxes or in the City of Red Wing's internal mail systems.

The distribution of political materials or other non-City sponsored materials on City property through alternative channels, e.g., not through employee mailboxes or the internal mail systems, is governed by the applicable provisions of Section #600.

Definitions

"Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying material.

"Non-City-Sponsored Material" or "Unofficial materials" includes all materials or objects intended for distribution, except City newsletters, employee newsletters, literary magazines, history books and other publications funded and/or sponsored or authorized by the City. Examples of non-City-sponsored materials include but are not limited to, leaflets,

brochures, buttons, badges, flyers, petitions, posters, and underground newspapers whether written by employees or others, and tangible objects.

“Non-City Person” means any person who is not currently employed by or volunteering to the City.

“Political Candidate” is a person who seeks nomination or election to a partisan or non-partisan public or party office or who has filed as a candidate for election.

“Political Issue” is an issue that is the subject of a public referendum or which is being debated by political candidates or organizations.

“Political Materials” include, but are not limited to, any paper, handbill, poster, booklet, brochure, advertisement, sample ballot, display, or audio or video presentation, that pertains to a political candidate or political issue.

“Mailboxes” and “Internal Mail Systems” means employee mailboxes and City of Red Wing internal mail systems including paper mail, voicemail, computer electronic mail (e-mail) and any other potential technologies used for mail purposes.

Violation of Policy

Violation of this policy by an employee or volunteer will be halted and appropriate disciplinary action will be taken, in accordance with any individual contract, collective bargaining agreement, city policies and procedures, and/or governing statute.

Violation of this policy by any other person or organization will be halted and the offending party will be requested to leave the City’s property immediately. If necessary, the police will be called and any other appropriate action will be taken.

Section #600 – Information Services

Purpose

The purpose of this policy is to provide guidance regarding the acceptable use of the City of Red Wing’s computers, network systems and electronic information systems, including acceptable Internet use and handling of disclosure of electronic information such as electronic mail (“e-mail”) and other computer files which are sent, received, stored or processed by means of the City’s Information Services . This policy is also intended to provide guidance regarding the acceptable use of any mobile device provided by the City, including the information which is sent, received, stored or processed by means of any mobile device provided by the City.

Like any tool, mobile devices and information technology can be used or misused. By adopting this Policy, the City seeks to maximize the benefits of technology by striking an

appropriate balance between the efficient use of mobile and electronic communications and the protection of City assets and interests.

Definitions

For purposes of this policy, the following definitions apply:

Information Services

The term "Information Services" means any and all (1) computer hardware or machinery owned or leased by the City of Red Wing including, but not limited to, desktop computers, laptops, mobile and central computers, all telephone systems (land lines and mobile), security access systems, PDA's and memory sticks, modems, printers, computerized facsimile systems, connectors, switches, computer wires, routers and servers; (2) internal and external network systems (Fiber or wireless) owned, leased, operated, or utilized by the City or its employees including, but not limited to, e-mail, other electronic information systems, and any system which allows Internet access; and (3) any software or operating system that is owned, leased or utilized by the City.

Information Services Data

The term "Information Services data" means any and all information or data that are received, sent, stored, processed, transferred, or communicated in any way by or through any City of Red Wing Information Services including, but not limited to, computer files, e-mail, phone systems, security systems and Internet access information.

City Mobile Devices

The term "City mobile devices" means any cellular communication device, any mobile communication device, any two-way communication device, PDA's and any electronic paging device which the City of Red Wing provides to an employee to use in performing his/her job duties, to increase the efficiency with which the employee can perform his/her job duties, or to facilitate the employee's efficient communication with other City employees.

Mobile Device Data

The term "mobile device data" means any data that are communicated, received, sent, stored, processed or transferred through any mobile devices provided by the City. Such data include, but are not limited to, conversations, voice mail messages, text messages, images, phone utilities, transactions, usage records, call logs, electronic phone books and Internet access.

User

The term “user” means any person, including an employee, who directly uses any City mobile device or Information Services in any manner; any person who accesses any information sent, received, stored or processed by any City mobile device or Information Services; and any person who directs another to use a City mobile device, to use the City’s Information Services or to access data on a City mobile device or the City’s Information Services.

Employee

The term “employee” shall mean all persons, including officers and officials, who receive pay or compensation, in whole or in part, from City funds; all persons who are working under the direction or control of any official, division or department of the City; all persons who perform work for the City on a voluntary basis without pay or other form of compensation; and all persons serving without or without compensation as a member of a board, task force or commission established by the City.

Person

The term “person” means any user or employee as defined herein, and does, in the appropriate circumstance, include natural persons or individuals, corporations, partnerships, associations, government agencies and other governmental entities and/or any other form of legal entity. It also includes any representative or agent of a person.

Government Data

The term “government data” will have the definition set forth in Minnesota Statutes section 13.02, subdivision 7, as amended. Thus, government data includes, but is not limited to, all data collected, created, received, maintained or disseminated by any agent or employee of the City.

Internet

For purposes of this policy, the term “Internet” means the network of systems including, but not limited to, the World Wide Web, Gopher, FTP, external e-mail, Internet Relay Chat and Telnet, which connect computers in various locations around the world and provide users with the ability to access information and online services.

Singular/Plural

Throughout this policy, the singular form of any word shall include the plural, and the plural form shall include the singular.

Computer Purchases

All computer equipment purchased for City use and with City of Red Wing funds shall be purchased by the Information Services Director (ISD). The department requesting new computer equipment must submit a request to the ISD, who will purchase computers that can be supported and maintained by the IS department. This process will ensure system requirements are met and compatibility to our network.

City's Exclusive Property

The City of Red Wing owns and provides access to a variety of mobile devices, PDA's, computers, network systems, electronic information systems and software. These tools are collectively referred to as the City's mobile devices and Information Services. The City's mobile devices, mobile devices data, Information Services and Information Services data are the exclusive property of the City of Red Wing. Users have no expectation of privacy in using the City's mobile devices or its Information Services. No data communicated, sent, received, stored or processed through any of the City's mobile devices or Information Services should be considered private or personal. The City of Red Wing has the exclusive right to select the plan for its mobile devices. The City of Red Wing is not responsible for paying for any minutes that an employee uses for personal calls on a City mobile device, including any minutes that cause the employee to exceed the plan minutes. Employees are solely responsible for any charges beyond the basic plan selected by the City.

Scope

This policy governs all access to and use of the City's mobile devices, Information Services and Information Services data. This policy also applies to equipment that is the property of another entity, but is used by City of Red Wing employees in the course of their employment with the City.

Although elected officials and department heads may adopt policies that are more restrictive than this policy, this policy establishes the minimum standards for use of any City mobile device, the City's Information Services and any information sent, received, stored or processed by a City mobile device or its Information Services. In the event of a conflict between this policy and another policy, this policy controls.

Coverage

This policy applies to any user of the City's mobile devices or Information Services for any purpose. Such individuals may include, but are not limited to, City Council Members, officials, department heads, employees, agents of the City of Red Wing, independent contractors doing work for the City, and volunteers. By using any of the City's mobile devices or its Information Services, users agree to be bound by the terms and conditions of this policy. Each individual user is responsible for complying with this policy.

Upon request, the department heads will make a copy of this policy available to employees within a reasonable period of time.

Every employee who uses any City mobile device or the City's Information Services must sign the Employee Agreement for Mobile Devices and Computer Use, which is found at the back of the Personnel Policy Manual. Employee Services will keep the signed agreements on file.

City's Right to Inspect and Monitor Its Mobile Devices, Mobile Device Data, Information Services and Information Services Data

The City of Red Wing is the sole and exclusive owner of the mobile devices and Information Services it provides and all mobile device data and Information Services data. Use of the City's mobile devices and Information Services is a privilege, not a right. Accordingly, without further notice, the City reserves the right to use any means available to access, inspect, review and monitor its mobile devices, mobile device data, Information Services and Information Services data including, but not limited to, voice mail messages, text messages, images, usage records, call logs, computer files, e-mail, Internet access information. In exercising this right, the City of Red Wing reserves the right to override any passwords and access any codes that are on any of its mobile devices or its Information Services. The City Council Administrator, Information Services Director and Employee Services Director may also use software that assists in monitoring its mobile devices, its Information Services and any data on that system.

Employees and other users do not have a reasonable expectation of privacy in any mobile device data including, but not limited to, mobile device conversations, voice mail messages, text messages, images, phone utilities, transactions, usage records, call logs, electronic phone books or Internet access. Employees and other users also do not have a reasonable expectation of privacy in any Information Services data including, but not limited to, e-mail and Internet access data. By using any of the City's mobile devices or its Information Services, employees and other users consent to and understand that the City may access, monitor, and inspect any data that are communicated, received, sent, stored, processed or transferred by means of any City mobile device or the City's Information Services.

Users should consider all mobile device data and Information Services data (such as e-mail) to be part of a shared system which may be accessed and reviewed by their department head, the City Council Administrator or a designee or agent of the City of Red Wing at any time and without further notice. The City of Red Wing reserves the right to track and recover any mobile device data or Information Services data despite any attempt by a user to delete such data. Users are advised that such data can often be tracked and recovered. For example, the City can generally track which websites a user has visited, the time of day when the visits occurred and how long each visit lasted. This information can generally be recovered even when the user has attempted to delete the information.

The City of Red Wing may use any mobile device data or Information Services data for any purpose directly or indirectly related to City business, including ensuring compliance with this policy and other professional and job related duties. Such data may also be used in deciding whether to impose discipline, and in disciplinary proceedings and civil and criminal litigation.

Information Services Integrity

Password Security

All employees are required to take reasonable precautions to protect the security of their passwords. Employees may not share passwords or user names or use another person's password or user name when using the City's Information Services or accessing Information Services data, unless prior permission has been received from the ISD. Absent prior permission from the ISD, no employee may knowingly permit another individual to use the employee's password to log onto or use the City's Information Services. If there is a need for a password, it must be coordinated through the ISD.

Modification of Passwords and Default Settings

Employees may not modify passwords (individual workstations are exempt) or assigned user names without prior permission from the ISD or the City Council Administrator. Users may not modify any default settings on any city Information Services (including hardware and software) without prior consent from the ISD.

Installation of Software

Employees may not install any software on the City of Red Wing's Information Services without prior authorization from the ISD. All installations will be completed by IS department personnel. Before any software is installed, it must be scanned for the presence of viruses. The City reserves the right to remove unauthorized software at any time and without prior notice.

Approved Commercial Access Providers

Particular use of an outside commercial access provider must be approved by the ISD in advance.

Electronic Mail ("E-mail")

Application of Government Data Practices Act

All e-mail messages and attachments that are sent, received, or accessed by means of the City's Information Services, including any e-mail system, are City property and are subject to federal and state laws, such as the Minnesota Government Data Practices Act, which govern the collection, creation, storage, maintenance, dissemination, and access to data created or maintained by the City. All employees must exercise care in addressing messages to ensure that they are sent to the proper addressee.

Temporary Storage Medium

The City of Red Wing's e-mail system is meant to be a temporary medium for the transmission of data. All government data that is required to be maintained pursuant to law

shall be maintained separate from the city's e-mail system. All employees must transfer all such data to a different medium.

Use of E-Mail by Non-Employees

Certain parts of the City's e-mail system may be accessible by state agencies, political subdivisions, and the public to provide a means by which members of state agencies, political subdivisions, and the public may communicate with the City. Any individuals who subscribe to the City's e-mail system must agree to comply with this policy. Messages sent between the City and individuals who are not City employees may be accessed or used by the City for any purpose related to City business.

Internet Access

Access to and use of the internet through the City's Information Services is subject to the terms and conditions of this policy. Access to and use of the internet through any part of the City's Information Services is limited to work related activities, unless otherwise specifically authorized by the employee's department head. Department heads will decide which employees in their department will be granted access to the internet.

Personal Use of City Mobile Devices and Information Services by Employees

Limited Personal Use Permitted

The City's mobile devices and Information Services are provided to support City business and, accordingly, are intended to be used primarily for business related purposes. Unless prohibited by a department head, employees may engage in incidental and limited personal use of the City's mobile devices and Information Services. Department heads, the Information Services Director, or the City Council Administrator may determine when an employee's personal use becomes excessive or otherwise violates this policy.

All personal use must be limited such that it:

- is done on the employee's personal time, and not on City time;
- does not interfere with City business or the use of its Information Services;
- does not interfere with the employee's job performance or activities;
- does not interfere with the job performance or activities of any other employee;
- is not for personal financial gain or other promotional activities;
- is not for political or religious purposes that could suggest endorsement by the City;
- does not damage any of the City's mobile devices or its Information Services;

- does not result in the consumption of City resources;
- does not result in any expense, financial loss, or obligation for the City;
- does not violate any rule set forth in this policy; and
- does not violate any federal, state, or local law.

Personal Mobile/Cell Phones and Electronic Devices

While at work, employees are expected to exercise the same discretion in using personal mobile/cell phones and other personal electronic devices as is expected for the use of City phones and Information Services. Excessive personal calls or use of a personal mobile/cell phone or other device during the workday can interfere with employee productivity and be distracting to others. Employees are encouraged to make personal calls and use personal mobile/cell phones on non-work time where possible.

The City of Red Wing will not be liable for the loss of personal mobile/cell phones or other devices brought into the workplace.

No Expectation of Privacy

Employees who use any City of Red Wing mobile devices or the City's Information Services for personal use have no expectation of privacy in any information that is communicated, received, sent, stored, processed or transferred by means of any of the City's mobile devices or Information Services, including, but not limited to, mobile device conversations, text messages, e-mail messages and Internet access. Like any other data stored on the City's mobile devices or Information Services, data created or stored for an employee's personal use is subject to periodic inspection and monitoring. By engaging in personal use of any City mobile device or the City's Information Services, employees and other users consent to such inspection and monitoring.

Unacceptable uses of the City's Mobile Devices and Information Services

Threatening or Fraudulent Messages

No person may use any City mobile device or its Information Services to intentionally threaten or offend another person or to send a fraudulent message.

Unsolicited Messages

No person may use any City mobile device or Information Services to send unsolicited e-mail messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (e-mail spam). The use of unsolicited e-mail originating from within the City of Red Wing's networks of other

internet/intranet/extranet service providers on behalf of, or to advertise, any service hosted by the City of Red Wing or connected via City of Red Wing's network is prohibited.

Chain Letters

Creating or forwarding "chain letters" or other "pyramid" schemes of any type is prohibited.

Unauthorized Use

Unauthorized use or forging of e-mail header information is prohibited.

Non-Business Related Messages

No person may use any City mobile device or its Information Services to post the same or similar non-business related messages to large numbers of Usenet newsgroups.

Harassment and Discrimination

No person may use any City mobile device or its Information Services to harass or discriminate against another person on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age. City Information Services may not be used to transmit display or distribute information on hate groups. All City of Red Wing policies on harassment and discrimination apply to conduct performed using any City mobile devices or Information Services.

Pornographic, Obscene, Vulgar, Lewd and Sexually Explicit Material

No person may use any City mobile device or its Information Services to seek out, access, upload, download, store, transmit, display or distribute pornographic, obscene, vulgar, lewd or sexually explicit language or material except Police personnel in the official course of their duties.

Harm to Reputation

No person may use any City mobile device or its Information Services to defame another or in a manner that harms the reputation of the City.

Disruption

No person may use any City mobile device or its Information Services in a manner that damages, disrupts or interferes with any City operation, service, equipment or the job performance of an employee. Such disruption or interference includes, but is not limited to, distribution of unsolicited or personal advertising and excessive downloading or transmission of programs or data.

Vandalism

No person may use the City's Information Services to directly or indirectly vandalize, damage or disable the personal, real or intellectual property of another person or organization, or to make unauthorized modifications to the property of another (including information owned by the City). By way of example, this rule prohibits "hacking" into any part of the City's Information Services or a private party's system, as well as the propagation of computer worms and viruses.

Unauthorized Interception or Access

No user may override another person's passwords or codes or take any other action to intercept or access another person's materials, electronic information, or files (including e-mail) without the prior permission of that person. The exceptions to this rule are that the City Council Administrator or a department head, or a person acting at the request of the City Council or the City Council Administrator may override passwords and may access, inspect, and monitor any mobile device data or Information Services data including, but not limited to, e-mail and information on Internet access; and remote or approved PC access utilizing programs such as Go To Meeting.

Copyright Infringement

No person may use any City mobile devices or its Information Services to violate any copyright law or otherwise use the intellectual property of another person or entity without proper authorization. The unauthorized duplication of computer software constitutes copyright infringement and is strictly prohibited by this policy and by federal law. The unauthorized duplication of software is a crime that carries significant monetary penalties and the possibility of imprisonment.

- The City of Red Wing utilizes computer software from a variety of outside companies pursuant to a licensing agreement. The City generally does not own the software or its related documentation. Unless authorized by the software manufacturer, City employees generally do not have the right to reproduce software.
- Many software manufacturers will expressly allow a single copy of their software to be made for backup or archival purposes, provided that a backup copy has not been provided by the manufacturer. Before making a backup copy, employees must verify that the manufacturer did not provide a backup copy and that no other City employee has made a backup copy. Employees should also verify that the production of a backup is permitted under the terms and conditions of the software license.
- City employees must ensure that their use of any software is in accordance with the license agreement. In many cases, software may not be used on more than one workstation or by more than one user without purchasing an additional license.

- Any City of Red Wing employee who discovers that software is being intentionally misused or unlawfully copied must notify his or her department head immediately.

Commercial Use and Private Causes

No person may use any City mobile devices or its Information Services for private commercial use, for personal financial gain, to promote any private cause (including but not limited to political or religious causes), or to enter into any contractual relationship without obtaining prior written permission from the City Council Administrator or Finance Officer. Similarly, no person may use any City mobile devices or its Information Services in a manner that could reasonably result in any expense, financial loss, or obligation for the City. The City of Red Wing hereby disclaims any liability for any unauthorized financial obligation incurred by unacceptable use of its mobile devices or its Information Services in violation of this rule.

Gambling

No person may use any City mobile devices or its Information Services to gamble or engage in a game of chance for money or other valuable consideration.

Disguising Identity

No person may disguise or attempt to disguise their identity while using any City mobile devices or its Information Services. For example, individuals may not disguise their identity while using the City's Information Services to send or receive information via e-mail or the internet.

Conducting Job Searches

Employees may not use any City mobile devices or its Information Services to conduct job searches for employment with an entity other than City of Red Wing.

Violating the Law

No person may use any City mobile device or its Information Services in a manner that violates any local, state or federal law.

Conduct Unbecoming

No person may use any City mobile devices or its Information Services to engage in conduct unbecoming a City employee.

Driving City Vehicles

Minnesota state law prohibits texting while driving. Employees are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required

to pull off to the side of the road and safely stop the vehicle before placing or accepting a call or using any hands-free phone operations, and to refrain from discussing complicated or emotional matters. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area. Emergency services personnel may at times be permitted to utilize other communication services if a true emergency exists.

Employees who are charged with traffic violations resulting from the use of their phone or other electronic devices while driving will be solely responsible for all liabilities that result from such actions.

Consequences for Violation of this Policy

The department head, Information Services Director, Employee Services or the City Council Administrator will review alleged violations of this policy on a case-by-case basis. Any employee's failure to comply with any part of this policy may result in disciplinary action up to and including termination of employment with the City of Red Wing. In addition to any penalty or discipline imposed, any user's failure to comply with this policy may result in loss of the privilege to continue using the City's mobile devices and/or its Information Services, and, if the violation is criminal in nature, referral to law enforcement.

Retention Schedules Apply to Electronic Information

The City's retention schedules apply to any and all data which are stored on the City's Information Services. The City's retention schedules apply to electronic data in the same manner as other recorded data.

Questions Regarding This Policy

Employees, who have questions about this policy, or the acceptable use of the City's mobile devices and Information Services, are required to present their questions to the City Council Administrator or their department head. Until the City Council Administrator, Information Services Director, Employee Services or a department head provides an answer, questionable use should be considered inappropriate and unacceptable. The City Council Administrator has final authority regarding the implementation and interpretation of this Policy.

Section #605 – Personal Mobile Device Acceptable Use

The City understands that employees may have legitimate business reasons for connecting a personally-owned mobile device to the City of Red Wing network and the purpose of this policy is to define standards, procedures, and restrictions. This mobile device policy applies to, but is not limited to, all devices and accompanying media that fit the following classifications:

- Smartphones

- Other mobile/cellular phones
- Tablet computers
- E-readers
- Portable media devices
- PDA's
- Portable gaming devices
- Laptop/notebook computers
- Any mobile device capable of storing corporate data and connecting to a network.

This policy applies to any hardware and related software that is not owned or supplied by the City of Red Wing, but could be used to access City of Red Wing resources. That is, devices employees have purchased for personal use, but that also may be used in the business environment.

The overriding goal of this policy is to protect the integrity of the confidential client and business data and private personnel data that resides within the City of Red Wing technology infrastructure. This policy intends to prevent this data from being deliberately or inadvertently stored insecurely on a mobile device. Therefore, all users employing a mobile device connected to the City of Red Wing's Network, and/or capable of backing up, storing, or otherwise accessing City data of any type, must adhere to City defined processes for doing so.

Access Control

The City of Red Wing provides the capability to send and receive e-mail from personal mobile devices. Any personal mobile devices configured to access City of Red Wing e-mail must have a password with a minimum of four characters to access the device. This password to this device must not be shared with any other person. The City of Red Wing Administration will electronically enforce security policies on devices connected to the e-mail server.

In the event an employee fails to set up a four-character password after the personal mobile device has been configured to access the City's network or City data, the Information Services Division may remotely wipe **all data, including personal data**, stored on the device and the employee may no longer be permitted to access the City's network or City data through a personal mobile device. When the Information Services Division initiates a remote wipe, all data will be removed from the device and the device will reset back to the factory default settings. The Information Services Division may also remotely wipe all data on the personal mobile device under the following circumstances:

- If the device is lost or stolen.
- If the employee leaves employment with the City.
- Any other reason the Information Services Division deems necessary to protect the integrity of the City's network and data.

The City of Red Wing Administration reserves the right to refuse the ability to connect personal mobile devices to the City network. Administration will engage in such action if the equipment is used in a way that puts the City's systems, data and users at risk.

All employees who seek to have a personal mobile device configured to connect to the City's network or to access City data must agree in writing to a remote wipe waiver. Prior to gaining access to the City's network or access to City data through a personal mobile device, the employee must agree to waive any and all claims that may arise against the City for the loss or destruction of any data on a personal mobile device due to a remote wipe initiated by the City of Red Wing for any reason, including by mistake or due to technical malfunction.

Section #610 – Solicitations, Collections, Donations

Because of the number of individuals and organizations soliciting contributions, the City of Red Wing has set the following policy for the protection of both the employee and the City:

Co-Worker Solicitations

Employees are not allowed nor may they interfere with other employees during working hours for the purpose of distributing any form of literature, whether it is political, charitable, religious, etc. Private co-worker solicitation for charitable causes 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.

Outside Solicitations

Outside agencies or organizations may not solicit or disrupt employees in any City working area unless permission for solicitation has been granted by the City Council Administrator. Employees should notify their supervisor if work is being interrupted by solicitation, collections, or donations by unauthorized solicitors.

Employee Related Solicitations

In the event of the death or serious illness of an employee or the death of a member of an employee's immediate family, or in the event a special occasion arises such as a retirement or an employee leaves the City; collections for gifts, flowers, etc., may be conducted, provided it does not interrupt normal duties. Employees should not feel obligated to make any contribution unless they so desire.

Section #620 – Distribution of Materials on City Property by Non-City Persons

Purpose

The purpose of this policy is to provide for the distribution of materials appropriate to the municipal setting by non-staff on City property in a reasonable time, place, and manner which does not disrupt the municipal function or interfere with the objectives of the City.

General Statement of Policy

The City of Red Wing intends to provide a method for non-City persons and organizations to distribute materials appropriate to the municipal setting, within the limitations and provisions of this policy.

To provide for orderly and non-disruptive distribution of materials, the City Council adopts the following regulations and procedures.

Definitions

“Distribution” means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying material.

“Materials” includes all materials and objects intended by non-City persons or organizations for distribution. Examples of non-City sponsored materials include but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, underground newspapers whether written by employees or others, and tangible objects.

“Non-City Persons” means any person who is not currently employed by or volunteering to the city.

“Obscene to Minors” means:

1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts, masturbation, excretory functions, and lewd exhibition of the genitals; and
3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

“Minor” means any person under the age of 18.

“Material and Substantial Disruption” of a normal City activity means:

1. Where the normal City activity is a municipal program of the City for which attendance is compulsory, “material and substantial disruption” is defined as any disruption which interferes with or impedes the implementation of that program.

2. Where the normal City activity is voluntary in nature, including recreational events, community plays and concerts, civic celebrations, and lunch periods, “material and substantial disruption” is defined as rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.
3. In order for expression to be considered disruptive, there must be facts upon which the likelihood of disruption can be forecast, including past experience in the City, current events influencing participant activities and behavior, and instances of actual or threatened disruption relating to the material in question.

“City activities” means any activity sponsored by the City of Red Wing, including, but not limited to, library activities, community education classes, official assemblies, and other similar gatherings, recreation department contests, concerts, plays, and civic celebrations.

“Libelous” is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower the person in the esteem of the community.

Guidelines

Non-City persons and organizations may, within the provisions of this policy, be granted permission to distribute, at reasonable times and places as set forth in this policy.

Request for distribution of materials will be reviewed by the City Council Administrator on a case-by-case basis. However, distribution of the following materials is always prohibited. Material that:

1. is obscene to minors
2. is libelous
3. is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of citizens to which it is intended
4. advertises any product or service not permitted to minors by law
5. advocates violence or other illegal conduct
6. constitutes insulting or fighting words, the very expression of which injures or harasses other people, e.g., threats of violence, defamation of character or of a person’s race, religious or ethnic origin, or
7. presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the City or municipal activities, or will cause the commission of unlawful acts or the violation of lawful City regulations or ordinances

Permission to distribute materials by non-City persons on City of Red Wing property is a privilege and not a right. In making decisions regarding permission for such distribution, the administration will consider factors including, but not limited to the following:

1. Whether the material is municipally related
2. The extent to which distribution is likely to cause disruption of or interference with the City's objectives or activities
3. Whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flow in public areas of the City of Red Wing
4. The quantity or size of materials to be distributed
5. Whether distribution would require assignment of City staff, use of City equipment or other resources
6. Whether distribution would require that non-City persons be present on the site of distribution

Time, Place and Manner of Distribution

If permission is granted pursuant to this policy for the distribution of any materials, the time, place and manner of distribution will be solely within the discretion of the City Council Administrator, consistent with the provisions of this policy.

Procedures

Any non-City person wishing to distribute materials must first submit for approval a copy of the materials to the City Council Administrator at least five days in advance of the desired distribution time, whenever practical, together with the following information:

1. Name and phone number of the person submitting the request
2. Dates and times of day of requested distribution
3. If material is intended for minors, the age of the minors to whom the distribution is intended
4. The proposed method of distribution

The City Council Administrator will review the request and render a decision. The City Council Administrator will assign a location and method of any approved distribution and will inform the persons submitting the request whether non-City persons may be present to distribute the materials is denied or limited. The person submitting the request should be informed in writing of the reasons for any denial or limitation.

Permission or denial of permission to distribute material does not indicate any approval or disapproval of its contents by the City of Red Wing, the City Council Administrator, the City Council, or the individual reviewing the materials submitted.

In the event that permission to distribute materials is denied, the non-City person or organization may request reconsideration of the decision by the City Council Administrator. The request for reconsideration must be in writing and must set forth the reasons why distribution is desirable and in the interest of the City and community.

Violation of Policy

Any party violating this policy or distributing materials without permission will be directed to leave City property immediately and, if necessary, the police will be called.

Implementation

The City Council Administrator may develop additional guidelines and procedures necessary to implement this policy under appropriate legal guidance. Such guidelines and procedures will be submitted to the City Council for approval. Upon approval, such guidelines and procedures will be an addendum to this policy.

Section #630 – Use of City Property

City machinery, equipment and property is procured and maintained for the sole and exclusive use of the City of Red Wing. No employee may use any City machinery, equipment or property for personal purposes without reasonable payment promptly made to the City as in the case of rentals, leases or sales to other City residents or customers.

It shall be the duty of any employee to report to his/her department head any such personal use, prior to such use, at which time a reasonable charge will be determined and approved by the City Council Administrator if none formally exists. No charges shall be made in any case where the City does not incur any direct or indirect cost or charge through depletion or depreciation of City supplies, machinery, equipment or other property.

City Building Climate Control

There is no single “ideal” temperature and humidity level suitable for all building occupants. The City of Red Wing Buildings and Grounds Division staff will attempt to keep all buildings at a temperature range that is acceptable to the majority of employees and meets the State of Minnesota’s Environmental Quality Guidelines.

- During the heating seasons, the maintenance staff will attempt to maintain the temperature range from 68 to 72 during normal business/work hours.
- During the cooling season, the maintenance staff will attempt to maintain the temperature range from 74 to 78 during normal business/work hours.
- The temperature in storage and outlying buildings will be kept at a minimum of 50 to 55, unless personnel are actually working in the area. At no time will temperatures above 68 be acceptable in these outlying areas.
- Humidity levels will be monitored and attempted to be between 30 and 60 percent year round.

- Portable heaters or fans may be allowed in any City of Red Wing office area if there is a need due to the temperature not falling within the guidelines due to HVAC malfunctioning. Small circulating fans may be acceptable if they do not interfere with the overall air handling systems of each building. Fans must be inspected by the maintenance staff to check for safe operation before they can be used.

All staff is encouraged to dress appropriately for the temperatures in their work areas.

Uniforms

Employees provided with City uniforms, either by direct City purchase or through reimbursement, shall only wear such uniforms while on duty. Employees may wear their uniforms while traveling to and from work and may conduct personal business incidental to such trips. In no event shall employees wear City uniforms while engaging in outside employment or when off duty in any licensed liquor establishment.

Section #640 – City Credit Card

City of Red Wing credit cards are available as needed through the Finance office and should be used whenever credit card use is necessary for travel/conference arrangements. In the event no card is available, arrangements should be made with the Purchasing Agent or City Council Administrator to facilitate the purchase. **Use of the card for personal purchases is strictly prohibited.**

Application for Credit Card

- a. A division may request a credit card for selected employees when there is a demonstrated efficiency to be gained. The request for a City credit card must be made to the appropriate department head with approval by the City Council Administrator. Upon approval, request is then made to Finance Director by department head.
- b. Employee must sign an agreement with the City of Red Wing regarding use of credit card.
- c. Employee agrees to comply with terms and conditions of the Associated Card Services Agreement.

Purchases

- a. Any purchase on the credit card **must** be work related and not for personal use.
- b. Employee is responsible for providing a receipt for each transaction and attaching such receipt to appropriate credit card bill.
- c. Any single transaction in excess of \$1,000 must have prior authorization from the City Council Administrator or his/her designated representative. An exception may be granted to the City's official Purchasing Agent by the City Council Administrator.

- d. Credit limit on individual cards is \$3,000. Exceptions may be granted to appropriate personnel.
- e. Credit card shall only be used by person whose name is on the card.

Payment

- a. Payment of credit card statements, are to be made promptly to avoid finance charges. Receipts shall be attached to payment. If there is no receipt, payment would be made only after the City Council Administrator or his/her designated representative has signed and approved the expenditure.
- b. Individual purchases shall be listed separately on pay authorizations and coded to the proper account.
- c. If a credit is due on a statement, such as for returned merchandise, it is the employee's responsibility to assure such credit is recorded.

Lost or Stolen Credit Card

If your credit card is lost or stolen, immediately contact Associated Card Services at 1-800-556-5678 and then notify the Finance Department.

Misuse of Credit Card

Employee may be disciplined up to and including discharge for misuse of credit card as stated in this policy or as deemed appropriate by the City Council Administrator.

Cancellation of Credit Card

- a. Upon resignation, retirement, termination, administrative leave, leave of absence or any other means of leaving employment of the City of Red Wing, employee must immediately surrender credit card to immediate supervisor.
- b. The City of Red Wing reserves the right to cancel any credit card at any time for any reason.

Section #650 – Employee Travel

Travel Request

All employees must obtain advanced approval from their department/division head or from the City Council Administrator in the case of department head travel. Plans must be made allowing enough time in advance of the travel date to receive the necessary approval and make necessary travel arrangements.

- Department heads will have the authority to approve travel requests by employees of their individual departments as approved in the current year's budget.

- Department/division head requests shall be submitted to the City Council Administrator for approval on the appropriate Travel Request Form. Department/division head shall submit an original and one copy of this form to the City Council Administrator's Office. One copy will be returned to the department head indicating approval/disapproval of request.

Expense Guidelines

Transportation

Transportation expenses incurred for travel by any means will be reimbursed according to the method of travel up to the amount that would be reimbursable for travel by air.

- **Air.** All advance airline ticket purchases must be made through the department head or City administration. Travel by air will be reimbursed for the lowest cost airfare available for one person traveling from the boarding port to the port of destination and return. The department authorizing travel by air must pay the cost of cancellation of non-refundable ticketing, lost tickets or reissue/change of ticket. If a reduced airfare requires an employee to spend an additional non-workday in the destination city, and if the reduced airfare totals more than the lodging and meals expense for the additional day and the City of Red Wing solely accrues this benefit, then the employee will be reimbursed for the extra day's lodging and meals expense.

- **City-Owned Pool Vehicles.**

Employees are encouraged to use a City pool vehicle for City business trips when traveling outside City limits. Travel expenses incurred when using a City owned vehicle will be reimbursed for operating costs of the vehicle (receipts required) to and from the destination (e.g., oil, gas, etc).

To sign out a pool car:

1. Go to "All Public Folders" in Outlook and select "Red Wing Car Pool" or contact City Hall Office Clerk/Receptionist or the Public Works Office Specialist to assist you. Check to see if a vehicle is available for the day and time you need it. If a vehicle *is* available, enter the following information on the Pool Car Calendar:

The date(s) and time(s) you will have the vehicle.

The vehicle number (see above)

Your name and department

Your destination

When using a vehicle for a long distance or for out of state, inform the Fleet /Supply Controller (Ext. 5106) in advance so they can ensure the vehicle is properly serviced and ready for the trip.

2. When you are ready to pick up the vehicle's key, come to the second floor Reception area of City Hall and fill in the required information on the sign-out sheet. If present, an available City Hall employee will help get you the key and a mileage slip. If no one is available to help you, the sign-out/in sheet is on the left-hand front

corner of the Reception desk and the key (marked by number) is in the right-hand top drawer.

As soon as you enter the vehicle, record the beginning odometer reading.

If you are in an *accident*, call the police and notify a supervisor immediately. Look for a current insurance card in the glove box.

If you receive a traffic *ticket* while in a city vehicle, **the driver**, not the city, **is personally responsible for the fine**. Notify a supervisor immediately, in writing, of any action affecting the validity of a driver's license.

3. Before you park the vehicle at the end of your trip, fill the gas tank for the next user, *even if it's not empty*. Be considerate of the next driver who may need to travel a long distance. The City of Red Wing is approved to get fuel at Wilson Oil, 2355 Old West Main Street, Red Wing. Pay at the pump by using the fuel card in the vehicle. Swipe the card and enter the vehicle number and odometer reading. No receipt is needed. The fuel cards in the vehicles are only usable at Wilson Oil. *Plan to have another method for paying for gas when traveling a long distance out of town (get receipts)*.

4. When your trip is done and the vehicle is parked, record the ending odometer reading on the mileage slip. Keep vehicles clean by removing all belongings and litter from the pool car.

Return both the key and the mileage slip to City Hall promptly. If it is after hours, be sure to return the key right away the following day. Someone else may be scheduled to use the vehicle soon after your indicated return time.

City Vehicle Policy Reminders:

- Employees are *not* to pick up strangers, hitchhikers, or other individuals unknown to them while driving a City vehicle, except a law enforcement officer.
- All tobacco use is *prohibited* inside all City of Red Wing facilities and vehicles.
- Drivers must follow all provisions of the City's Information Services Policy and must wait until it is safe to pull over to answer or return a phone call. Employees should not receive or make any mobile calls, or send any text messages, while driving City vehicles, except in an emergency. If an employee accident is determined to have been caused by the use of a mobile device, the employee may be subject to disciplinary action.
- While traveling in a City-owned vehicle and on City business, expenses such as gasoline purchased out of town (receipts required) will be reimbursed to the employee.

- Reimbursement for toll fees will be made when traveling by personal vehicle or city-owned vehicle if on City business.
- Parking expenses incurred at the final overnight destination place are reimbursable when traveling by automobile (get receipt). Airport parking expenses at the boarding port are reimbursable (parking receipt required) with prior approval of the department head or City Council Administrator.

The possession and use of dangerous weapons is prohibited on City property, in City vehicles, or in any personal vehicle which is used for City business (check full policy for exceptions).

- **Travel by Personal Vehicles**

Employees, volunteers and/or other are encouraged to use a City pool vehicle for City business trips when traveling outside City limits.

Travel by your personal vehicle will be reimbursed at the IRS rate in effect on the date(s) the travel was incurred. **For current guidelines and IRS Mileage rates, see City guidelines (Travel - Meals Mileage Expenses) on file in the Everyone Directory.**

- If overnight travel is required, you are encouraged to use your personal vehicle, so as not to tie up a City pool vehicle. Reimbursement will be at the IRS rate on the date the travel was incurred.

If more than one employee rides in the vehicle, only the owner of the vehicle will be reimbursed for vehicle travel. The employee will be responsible for all fines, damage or liability due to an accident. If mileage expense for transportation by personal vehicle (automobile expenses, lodging and meals) exceeds airline or train fare, the lower of the expense will be reimbursed.

Any personal vehicle used to conduct City business and receiving mileage, must at a minimum, have personal automobile insurance coverage consistent with State Statutes in which the vehicle is licensed. Higher personal automobile insurance coverage is strongly encouraged.

Employees receiving Private Mileage Reimbursement (PMR) shall submit mileage reimbursement forms at least quarterly (monthly is recommended) in the form and manner prescribed by the Employee Services Division.

Private Mileage Reimbursement is considered full payment (including depreciation, insurance, maintenance, fuel and other operating costs) for private vehicle use in lieu of a City vehicle.

Commute miles (round-trip distance between employee's residence and regular place of work) are not reimbursable. Requests for personal mileage reimbursement must take into consideration commute miles and

business travel miles, whether or not the commute took place on any given workday.

Example 1: Employee A drives directly from residence to Minneapolis International Airport for a business trip on Tuesday. The distance from Employee A's residence to the airport is 25 miles. The round-trip distance from Employee A's residence to their regular place of work is 20 miles. Since the employee is responsible for 20 commute miles, the employee is eligible for 5 miles of business reimbursement for Tuesday's drive. Employee A returns to MPLS on Friday and drives from the airport to their residence (25 miles). Again the employee is responsible for 20 commute miles on Friday and is eligible for 5 miles of reimbursement. For the round trip to the airport the employee is eligible for ten miles of business reimbursement.

Example 2: Employee A has a 20-mile commute from residence to duty station. In lieu of commuting to their regular place of work, Employee A attends a number of off-site meetings. At the end of the day, Employee A has driven 15 miles on City business. In this example, the employee is not eligible for mileage reimbursement, as they did not exceed their commute mileage (20 miles). In the same scenario, if Employee A drives 40 miles on City business, the employee is eligible for 20 miles of business reimbursement.

- **Assigned Vehicles**

Some City vehicles shall be assigned to departments, individual employees, or to a general vehicle pool on the basis of work responsibility. Vehicles may be assigned to employees, either solely for use during normal working hours, occasionally, or as a take home vehicle when deemed appropriate. The decision to assign a vehicle to an employee shall be based upon efficient and effective service delivery provided by the employee assigned to the vehicle, employee job responsibilities, and special assigned duties and on overall City services delivery.

Assigned Vehicle assignments to individuals will be reviewed and approved annually by each respective Department Head. Department Heads will submit a proposed vehicle assignment list to the City Council Administrator by December 31 of each year.

- **Regularly assigned**

Vehicles in the City fleet that may be assigned to an employee for his/her normal job duties. An example is a pickup truck assigned to an individual to perform his/her normal work shift. These vehicles are not typically taken home.

- **Occasionally assigned**

Employees may be allowed to occasionally take a City vehicle home when it is determined to be in the best interest of the City to do so. "Occasionally" is defined

as occurring on an infrequent and irregular basis, and less than five consecutive working days in duration. This permission is granted at the Department Head level. The City employee must live within the established Department response time standard in order to be assigned a take-home vehicle even on an occasional basis.

- **Emergency Assignment of City Vehicles**

The City Council Administrator may temporarily assign an available City owned vehicle (work-to-home use or an emergency location) to an employee during a disaster, inclement weather or other such circumstance for which the employee may need to respond during regular business and/or after hours to work-related situations. This also applies to an employee utilizing a City owned vehicle assisting another community in regard to assisting other local government entities during an emergency or requesting service.

- **Take-Home vehicle**

At the request of a Department Head, the City Council Administrator may authorize the full-time work assignment of a City vehicle to an individual when it is clearly demonstrated that a more efficient use of City resources will result from permanent individual assignment, or when it is an operational requirement of the requesting Department. The Fleet Director will determine the annual amount of the cost for a City vehicle and submit to the City Council Administrator. One or more of the following criteria will determine the eligibility for employees to take home a City vehicle on a regular basis:

- A. An agreement between the employee and the employer either prior to or after employment. The agreement should be documented and placed in the employee's personnel file.
- B. Vehicle is equipped with tools and/or instrumentation that are essential in an emergency response situation. The employee responds directly to the scene of the emergency and is trained to use the tools and equipment. If response is on a rotation basis, each employee will only take home the vehicle when he or she is in "on call" status. Note: Communication equipment alone is not considered a tool or instrumentation for this purpose.
- C. Employee's responsibilities or assignments require that he/she may perform certain emergency job functions in various work areas throughout the City on a 24/7 basis. The availability to have the appropriate individual respond any time or day is of value to the City.
- D. The unavailability of parking at the workplace.
- E. The vehicle reduces response time to respond to work areas, which would otherwise have to return to the workplace retrieve a vehicle before going to the field.

- F. All employees assigned take-home vehicles will live within twenty minute response time to their worksite, unless granted a specific exemption in writing by the Approval level – Department Head with documentation.
- G. Approval level - City Administrator shall approve all agreements with documentation from Department Head.

Internal Revenue Service regulations for a take home vehicle

As a general rule, the use of an employer-owned car by an employee results in taxable income.

26 U.S.C., Section 132(a) (3) of the IRS Code allows an exclusion from gross income for a working condition fringe. A working condition fringe is any property or services provided to an employee by an employer to the extent that, if the employee paid for the property or services, the payment would be allowable as a deduction under section 162 or 167.

The value of a "qualified non personal use vehicle" can be excluded from income as a working condition fringe if the use of the vehicle conforms to the requirements of paragraphs (k) (3) through (7) of 26 C.F.R. Section 1.274-5T of the regulations. An employee does not have to substantiate the business use of a non-personal use vehicle in order to exclude its value from income.

A qualified non personal use vehicle means any vehicle that is not likely to be used more than a minimal amount for personal purposes. Common examples include a fire engine, a clearly marked police or fire vehicle, a flatbed truck, school bus, ambulance, etc.

There are limited circumstances under which an unmarked police car qualifies as a non-personal use vehicle. First, the driver must be a "law enforcement officer." A law enforcement officer must satisfy all of the following requirements. He or she must be a full-time employee of a governmental unit that is responsible for preventing or investigating crimes involving injury to persons or property (including catching or detaining persons for these crimes). The officer must be authorized by law to carry firearms, execute search warrants, and to make arrests. The officer must regularly carry firearms, except when it is not possible to do so because of the requirements of undercover work. A "public safety director," or any employee, regardless of title, must meet these tests to qualify under this exclusion.

Second, any personal use of the vehicle must be authorized by the government agency or department that owns or leases the vehicle and employs the officer, and, third, the use must be incident to law-enforcement functions, such as being able to report directly from home to a stakeout or surveillance site, or to an emergency situation. Use of an unmarked vehicle for vacation or recreation trips cannot qualify as an authorized use.

Whether the individual's use of the vehicle is authorized by the governmental agency which employs him or whether the use is incident to law-enforcement functions depends on the facts and circumstances. In most circumstances it would be non-taxable.

If the individual is allowed to use the vehicle as a courtesy and for commuting purposes, it does not qualify as a non-personal use vehicle, and the commuting value is income subject to FICA and income tax withholding.

- **Take home vehicle option**

If an employee meets the requirements of a take home vehicle, the following option may be approved by the City Council Administrator. In lieu of a take home car, the employee may request to the City Council Administrator to receive a monthly stipend. This may reduce the expense for the purchase of a vehicle and related ongoing expenses for fuel, insurance, maintenance, and storage/parking spot to the City.

If the employee desires to continue using his or her private vehicle while conducting City business, the City Council Administrator may approve a monthly stipend not to exceed the computed cost of providing a City vehicle. In no event shall an employee's stipend exceed the cost to the City to provide a vehicle for that employee's use. The costs of determining what a city vehicle costs will be supplied by the Fleet Director to the City Council Administrator annually before the budget are finalized for the upcoming year. In 2013, the cost of having and maintaining a City vehicle was \$537.74 per month (typical City pool vehicle). For employees using this option the total amount will be taxable. The employees can apply for a tax refund based on his/her own vehicle expenses for business use. Employees should discuss tax issues with their individual tax consultants.

Employees that receive a car allowance/stipend for mileage reimbursement are not eligible for mileage reimbursement within the state of Minnesota, but are eligible for out of state travel mileage reimbursement as long as the total reimbursement does not exceed the amount that it would have cost the employee to travel by air or train, inclusive of lodging and meals.

- **By Bus or Train.** Travel by commercial bus or train will be reimbursed for bus or train fare to and from destination.
- **Taxi.** Taxi fare will be reimbursed for transportation from the destination airport to the place of lodging or to the meeting site (or vice versa). The public purpose for any other taxi fares must be explained. Receipts are required for all fares.
- **Automobile Rental.** Prior approval, by the department head, is needed when automobile rental expense reimbursement is anticipated. Automobile rental should be considered when taxi usage costs would be greater than automobile rental cost. The employee will be responsible for all fines, damages or liability due to an accident.

Additional Administrative Rules

A City vehicle is defined as a vehicle owned, leased, or rented by the City of Red Wing. City employees will operate vehicles in a safe and skillful manner within the guidelines of City directives and Minnesota State Statutes, including obedience to all traffic laws and basic rules of courtesy, and shall refrain from illegal activities.

Vehicle Acquisition

All fleet acquisitions are coordinated through the Public Works Fleet Management after obtaining City Council Administrator and City Council approval.

Budget Planning

Replacement recommendations and requests for additions to the City vehicle fleet are submitted and considered during the budget process. Fleet Management's recommendations are based on analyses that attempt to determine the end of the cost-effective life of the vehicle/equipment. Fleet Management provides the replacement recommendations after consultation with the affected departments.

Safety Equipment Requirements

All operators and passengers of City vehicles will use the vehicle seat and lap belts if the vehicle is so equipped. Airbags shall not be rendered inoperable on vehicles so equipped. Employees observed not following safety equipment requirements shall be disciplined according to appropriate personnel/safety guidelines.

Altering Vehicles

City vehicles will not be altered in any way without first obtaining written approval of the appropriate Department Head. All approved alterations must be coordinated through Fleet Management.

No City vehicles shall have any stickers, posters, signs, or any other similar attachment placed on or affixed to them unless previous approval or directive has been issued by the City Council Administrator or designee.

Vehicle Inspection

All employees will perform a "walk-around" of the vehicle to see if there are any visible problems prior to it being driven. If problems are noted, please refer to the following instruction, if applicable:

- If body damage is discovered, check to see if the City's standard Accident Report has been completed and a copy forwarded to Fleet Management.
- If there appears to be any significant malfunctioning, do not operate the vehicle, call Fleet Management to have the vehicle towed. If the vehicle can be operated safely, take it to the appropriate City-operated garage.

Vehicle Collisions

All 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.

Safeguarding Issued Equipment

Employees are responsible for safeguarding City-issued equipment associated with their assigned vehicles. This includes (but is not limited to) issued equipment which is normally left in the assigned vehicles. For example, if an employee leaves his or her assigned vehicle for repairs or maintenance (temporary or take-home), the employee shall insure that all equipment is safeguarded prior to leaving the vehicle.

Vehicles shall not be left unattended, unlocked or the keys left in the ignition. If any equipment is subsequently stolen or missing, this will be evidence that the employee failed to safeguard the equipment and appropriate disciplinary action will be taken.

Use of City Vehicles

All persons who operate City vehicles will possess a valid Driver's License as required by law. City vehicles are to be used as necessary to conduct business of the City and its operations. Persons shall not operate City vehicles for the purpose of conducting a private business or enterprise or any other personal use. However, it is recognized that a small amount of personal use of a City vehicle may be required for those employees who:

- are assigned a take-home vehicle and, therefore, commute to and from work in the City vehicle; conduct their daily work in or from a vehicle; are on City authorized travel; and a small amount of personal use shall be limited to:
 1. Commuting to and from work for those employees assigned a take-home vehicle.
 2. Driving to and from a restaurant to eat during an approved meal break if no personal vehicle is available to the employee.
 3. Personal emergencies if no personal vehicle is available and the appropriate Department Head grants approval.

Note: The City Council Administrator and Police Chief may establish separate regulations for the Police Department Take Home vehicle.

Operation of Vehicles Out of City Limits/Service Area

City employees, while operating City vehicles, are required to remain within the City limits unless commuting efficiencies can be realized through brief route departures or if the City service boundaries extend beyond the City limits. All other departures require the prior approval of the appropriate supervisor.

Transportation of Persons Not Engaged in City Business

Each Department Head shall insure that only authorized personnel are allowed to operate City-owned vehicles and equipment. In addition, non-City employees or other City employees shall not be allowed as passengers in City vehicles except in cases where they are conducting City business with City staff. This provision does not apply to the Regional Transit System in the case of providing public transportation.

Tobacco Products Prohibition

Smoking and other tobacco products are not allowed in any City vehicle at any time.

Alcohol

Alcoholic beverages: No person shall operate City vehicles or equipment within four hours of having consumed an alcoholic beverage or if legally under the influence of alcohol. City vehicles shall not be used to transport alcoholic beverages under any circumstances, except for the transportation of such beverages that have been confiscated as evidence, or used in intoxication detection training conducted by law enforcement personnel.

Prescription Drugs

Prescription Drugs: No person shall operate vehicles or equipment if taking prescription medications that impair or impede their ability to operate a vehicle safely. Employees taking prescription drugs that may impact or impair their ability to safely operate a vehicle and/or equipment should immediately notify their manager and/or supervisor.

Illegal Substances

Any employee convicted of driving under the influence of an intoxicating substance while on City business, or in a City vehicle, will be subject to disciplinary action, up to and including termination.

Driving Accident Records

Employee Services shall obtain a driving history from the Department of Motor Vehicles on each individual involved in a preventable accident while on City business. The City will also review employee's accidents and property damage reports. This information shall be reviewed and may impact any recommendations made regarding the continuation of driving on City business by the affected employee.

Unacceptable Driving Record refers to any of the following:

- a.) Having committed a major traffic offense including driving while under the influence of intoxicants, hit-and-run, reckless driving, fleeing or trying to elude a police officer, driving with a suspended or revoked license, or after having been found to be a habitual offender; or
- b.) Three moving violations within one year—tickets for violations of rules of the road or driver's license violations; or
- c.) Vision not corrected to State standards e.g., 20-40.

Lodging

Actual costs for lodging will be reimbursed, but charges shall be reasonable and consistent with the facilities available. In order to keep cost at minimum, employees shall stay at host hotel or motel or one at lesser cost at the discretion of the employee's department/division head. A two-person room rate will be reduced to a single person room rate if one of the persons staying in the room is a non-City employee. Lodging expense incurred en route to a final destination will be reimbursed. All lodging is to be approved by the Department Head or City Council Administrator. The City of Red Wing will not reimburse other personal expenses, including movies.

Telephone

- **Business.** Telephone calls of a business nature will be reimbursed when fully accounted for on the expense record.
- **Personal.** Telephone calls of a personal nature will be reimbursed up to a maximum of one-ten minute call per day, at the department head's discretion.

Meal and Incidental Expenses

Meal reimbursement from the City is available if there's an overnight stay. If there is no overnight stay, the IRS requires a meal to be with someone with whom business was discussed (best to state both the business purpose and who the meal was with on the reimbursement form) in order to be reimbursed at the actual meal cost, or at the maximum amounts listed below, whichever is less. Reimbursement is not taxable income to the employee. If there was no overnight stay and the meal is not with someone with whom business was discussed, the employee will be reimbursed at the actual meal cost, or at the maximum amounts listed below, whichever is less. However, the reimbursements will be included as gross wages on the employee's Form W-2, subject to employment tax withholding. (Taxable Reimbursement Form) Maximum reimbursement for meals (including tips not to exceed 15 percent) shall be: (See list of "High Cost Localities" at www.irs.gov/pub/irs-pdf/p1542.pdf.)

For current guidelines and rates on meals and related expenses, see City guidelines (Travel - Meals Mileage Expenses) on file in the Everyone Directory. Individual meal rates for a single day's meals may be transferred between breakfast, lunch and dinner. Reimbursement shall not exceed the actual amount paid or the maximum reimbursable per diem rate as show above, whichever is less. Reimbursement shall not be made for meals when they are provided with the conference/convention registration or when incurred while the employee is not attending to official City business. Employees shall take advantage of all meals that are provided for and included in the registration fee. Receipts shall be presented for all meals. No reimbursement will be made for breakfast if the employee is able to leave after 6:00 a.m. to reach the destination on time. No reimbursement will be made for the evening meal if the employee is able to return home by 7:00 p.m. No

reimbursement will be made for meals within the city limits unless the meal is part of the authorized meeting the employee is attending. Only actual meal cost will be reimbursed.

Tips

Tips will be reimbursed (within reason) for baggage handling and miscellaneous tipping. Meal tips are included in the meal price allowed.

Registration and Supplies

Registration and supplies (i.e., for conferences) will be reimbursed if necessary to the trip; however, the employee must provide receipts for such expenditures if separate from conference fees.

Travelers Checks

Fees for Travelers Checks are reimbursable.

Laundry

Reimbursement will be made for laundry expenses if the employee is on a trip of more than four days.

Family Accompaniment

If an employee wishes his/her family to accompany him/her while a representative of the City of Red Wing, the employee shall accurately distinguish that part of expense incurred which is attributed to the employee and will be reimbursed for that part. Reimbursement for lodging under these circumstances will be limited to the single room rate and limited to the minimum number of days to conduct City business, subject to the exceptions outlined above.

Unusual Items Not Covered in Guidelines Requiring Advance Approval

Special approval of any unusual expenses not covered in the general guidelines must be obtained from the City Council Administrator in advance of the travel anticipated.

City Credit Card

Employees are eligible to be issued the City's authorized credit card with advanced approval from the respective department/division head. These cards are issued to individual employees, with the employee liable for all charges on the card. The City's credit cards may be used for hotel guarantees. An accounting of expenses (including all receipts) must be returned with the credit card to the Finance Department within five days of a return from travel.

Cash Advances

City employees are encouraged to use the City of Red Wing's credit card in lieu of travel advances. There will be no advance travel expenses unless the employee is staying overnight. Employees are eligible to be issued a travel advance with advanced approval from the respective department/division head. The amount of any travel advance will be determined on a case-by-case basis. Amounts prepaid by the City are excluded from the amount of travel advance. Advances are issued within ten working days prior to travel. Any prior advances must be reconciled before an additional advance is approved. Within five working days after his/her return, the employee shall submit to the Finance Director an itemized claim for the actual and necessary expenses incurred and paid by him/her in attending such meeting using the attached Travel Expense Report form. The Finance Department is authorized to deduct the amount advanced by a pay adjustment on the employee's payroll check if a completed travel expense record is not submitted within five days of return from travel. If excess funds are advanced, the excess shall be returned to the city within five days of return. If expenses exceed the advance, the City of Red Wing shall reimburse the claimant.

Expense Report

Each employee is to submit his/her own expense claims for reimbursement. Upon completion of employee's trip, employee must file the travel Expense Report with properly executed receipts for all expenditures to the department head. All expense reports must show the amount of each expense, dates of travel, place of travel and business purpose for travel. All receipts should be issued upon the letterhead of the person or firm furnishing the service to the employee. When a receipt is lost or cannot be obtained, an affidavit shall be made to that effect stating the purpose for the expenditure. The City Council Administrator may refuse to reimburse an employee without proper receipts. Upon approval of the Travel Expense Report by the Department Head, the payment authorization may be prepared and sent to the Finance Department for payment with a copy of the Travel Expense Report.

Section #655 – Elected Official Out-of-State Travel

Minnesota Statutes, Section 471.661, as amended, requires the City to develop a *policy* that controls travel outside the state of Minnesota for its elected officials. For purposes of this policy, the *policy* must be approved by a recorded vote and specify: (1) when travel outside the state is appropriate; (2) applicable expense limits; and (3) procedures for approval of the travel. The *policy* must be made available for public inspection upon request and reviewed annually. Subsequent changes to the policy must be approved by a recorded vote. Elected Official includes the Mayor and City Council members.

The City recognizes that Elected Officials may at times receive value from traveling out of the state for workshops, conferences, events or other assignments. This policy sets forth the conditions under which Elected Official out-of-state travel will be approved and subsequently reimbursed by the City.

- In all cases when an Elected Official is traveling at City expense, they must receive the prior approval of the City Council. Upon their return, the Elected Official must make an oral report to the City Council on the results of the trip.
- In all cases, when an Elected Official is traveling and registered or participating as an official of the City, they shall not make any representations regarding the City's positions unless the position has been established through previous Council policy action.
- Subsequent changes to this policy must be approved by a recorded vote. Administrative Orders shall provide guidelines on applicable expense limits and procedures for reimbursement of costs.
- Training shall include any educational or networking opportunity relevant to the City and the role of the Mayor, or City Council member.
- Training may also include viewing a city facility or function that is similar in nature to one that is currently operating at, or under consideration by the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full Council.
- Research of particular issues being considered by the City and assigned to an Elected Official is permitted.
- Travel funding shall be limited to the City Council approved annual budget and shall be divided equally among the City Council members. The Mayor shall have a separate travel budget authorized as part of the annual budget, as approved by the City Council.
- The City may make payments in advance for airfare, lodging and registration if specifically approved by the Council. Otherwise all payments will be made as reimbursements to the elected official. The City will reimburse for transportation, lodging, meals, registration, and incidental costs using the same procedures, limitations and guidelines outlined in the City's policy for travel by City employees. The Elected Official must use the most cost-efficient mode of travel available, taking into consideration reasonable time constraints. All frequent flyer miles for flights must accrue to the City. The City Council has provided for exceptions to the above conditions. They are limited to the following:
 - i. The Elected Official may use their own funds to cover travel expenses, in which case the City Council need not authorize the travel, but must be informed of any attendance.
 - ii. Travel to any meeting which occurs in Pierce County, Wisconsin, is permitted without prior authorization.

- Based on documented reasons, the City Council may make exceptions to this policy by Council approval.
- The City of Red Wing prohibits City payments or reimbursement for attendance at events sponsored by or affiliated with political parties.
- Only two Council members may attend the same event.
- Elected Officials who have announced their intention to resign, not to seek reelection, or who have been defeated in an election will not be approved for reimbursement for out-of-state travel.

For complete specific details on allowable expenses, refer to Section #650 – Employee Travel.

Section #660 – Amendments, Clarifications, Severability

Amendments

These policies may be amended at any time by resolution of the City Council. The City Council Administrator may adopt emergency rules and regulations at any time provided the same are presented to the Council at the next regular City Council meeting. Such rules and regulations shall be in force and effect upon their adoption by the City Council Administrator.

Clarification

The City Council Administrator may from time-to-time issue administrative rules, orders or other directives to clarify, interpret, explain or elaborate on the policies contained herein or to set new policies provided there is no conflict with the City Code or City Council policies.

Policy Questions

Any questions or comments about this policy should be addressed to a supervisor, the Employee Services Division or, if needed, to the City Council Administrator. The City Council Administrator's interpretation of disputed clauses is final.

Severability

This policy is subject to the laws of the United States, the State of Minnesota and the City Charter and City Code.

In the event that any provisions of this policy shall be held to be contrary to law by a court of competent jurisdiction and from whose final judgment or decree, no appeal has been taken within the time provided, such provision shall be voided. All other remaining provisions of this policy shall be deemed severable and continue in full force and effect.

Section #670 – Union Business

Unless specifically authorized by union contract, City equipment, supplies, facilities and employee paid time shall not be used to conduct union business. This prohibition does not include use of city meeting rooms when appropriately scheduled or the processing of grievances or contract negotiations when so scheduled by the City.

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EMPLOYEE AGREEMENT FOR MOBILE DEVICES AND INFORMATION SERVICES

1. I have read the City's policy titled, Acceptable Use Policy for the City's mobile devices and its Information Services. I agree to comply with all aspects of that policy, and I understand that failure to comply with any aspect of the policy may result in disciplinary action up to and including termination of my employment with the City. I also understand that any failure to comply with the policy may result in loss of the privilege to continue using a City mobile devices and/or the City's Information Services and, if the violation is criminal in nature, referral to law enforcement.
2. I understand that all data that are collected, stored, processed or disseminated by a City employee are governed by the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended. Therefore, when gathering, using and disseminating government data through a City mobile device or the City's Information Services, I will comply with the Minnesota Government Data Practices Act and other applicable laws.
3. I understand that mobile devices and personal computers, including memory sticks, PDA's, laptops and notebook computers, and the data stored on them are susceptible to theft or damage. If the City provides me with a mobile device or computer to use in performing my job duties and the mobile device or computer is damaged or stolen, or any data on the computer is stolen, I must notify my Department Head immediately.
4. I acknowledge that I do not have a reasonable expectation of privacy in any information that is communicated, received, sent, stored, processed or transferred by means of any of the City's mobile devices or its Information Services , including but not limited to mobile device conversations, text messages, voice-mail messages, e-mail messages and Internet access. I understand that my use of any of the City's mobile devices or its Information Services, including any personal use, is subject to inspection and monitoring by the City. By using any of the City's mobile devices or its Information Services , I am consenting to such inspection and monitoring, including the inspection and monitoring of any data that are communicated, received, sent, processed, stored or transferred by means of any of the City's mobile devices or its Information Services .
5. I hereby give my consent for the City to intercept, search, retrieve, receive and review any and all calls and data that are received, processed, transmitted or stored by any of the City's mobile devices or its Information Services including, but not limited to, any electronic data, images, files, voice mail messages, text messages, e-mail messages and Internet access.

Employee's Printed Name

Position

Employee Signature

Date

RECEIPT & ACKNOWLEDGMENT OF THE CITY EMPLOYEE MANUAL

I acknowledge that I have received, read and comprehend the policies outlined in the City of Red Wing's Employee Manual. I agree to conform to the rules and regulations of the City of Red Wing's personnel policies and procedures manual which is intended to set forth the rights, duties and responsibilities of employees which shall govern the employer/employee relationship between the City of Red Wing and each employee unless otherwise provided for by written contract.

I also understand and agree that the information contained in these materials does not constitute an employment contract between the City of Red Wing and me.

I understand that the copy of the Employee Manual that I received electronically or hard copy replaces and supersedes any and all previous versions of the manual adopted by the City Council.

I understand and acknowledge that the City may change, delete, suspend or discontinue any part or parts of the Manual at any time including, but not limited to, any policies, rules and benefits described in the manual. Changes or revisions to the Personnel Policy Manual will be posted on City Bulletin Boards. A current copy is always available electronically in the shared everyone directory.

Employee's Printed Name

Position

Employee's Signature

Date

The signed original copy of this agreement should be forwarded to Employee Services. It will be placed in your City personnel file.

RASW: 2360