



PERSONNEL POLICY

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INTRODUCTION

Purpose

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Stacy. They should not be construed as contract terms. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the City. These policies supersede all previous personnel policies.

Except as otherwise prohibited by law, the City of Stacy has the right to terminate any employee at any time for any or no reason. All employees of the City of Stacy are at-will employees. Employees may similarly terminate employment at any time for any reason.

Scope

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

- Elected officials;
- City attorney, engineer, and financial advisor.
- Members of city boards, commissions and committees;
- Consultants and contractors;
- Volunteer fire fighters, first responders, and other volunteer personnel.
- Emergency employees and other employees not regularly employed in permanent positions.

If any specific provisions of the Personnel Policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail. Any policy or portion thereof, that does not conflict with a labor agreement, will remain in full force and effect and will continue to govern the actions of all covered employees. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

Departments may have special work rules deemed necessary by the supervisor for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring and such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

EEO Policy Statement

The City of Stacy is committed to providing equal opportunity in all areas of employment, including but not limited to hiring, demotion, transfer, recruitment, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Stacy will not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, or membership on a local human rights commission.

News Releases

Formal news releases concerning municipal affairs are the responsibility of the Mayor or Acting Mayor. All media interviews must be approved by the Mayor or Acting Mayor before the interview. All contacts with the media should be reported to the Mayor or Acting Mayor as soon as practicable.

No City employee is authorized to speak on behalf of the City without prior authorization from the Mayor or Acting Mayor or his/her designee.

All news releases concerning City personnel will be the responsibility of the Mayor or Acting Mayor, in consultation with City Attorney.

DEFINITIONS

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

Authorized Hours

The number of hours an employee is currently assigned to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the employee's supervisor. Employee will not be paid for hours worked over scheduled hours unless preapproved by employee's Supervisor. Overtime hours require pre-approval by Supervisor.

Benefits

Privileges granted to qualified employees in the form of paid leave and/or insurance coverage

Benefit Earning Employees

Employees who work year-round at least 32 hours per week on a regular basis.

Break in Service

A period of an employee's absence from work for more than one week for reasons other than authorized leaves of absence for vacation, PTO, funeral leave, medical leave, maternity absence,

leave under the Family and Medical Leave Act, parenting leave, school conference and activities leave, sick child care leave, military leave, injury leave, and jury duty.

Business

Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in profit-making or nonprofit activities.

Confidential Information

Any information obtained under City authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, will provide unfair economic advantage to or adversely affects the competitive position of or otherwise unfairly damages an individual or business.

City Property

Any property, equipment, tools, etc., owned/paid for by the city or its various departments.

Data Wiping

The removal or deletion of data in a manner not consistent with the City’s records retention schedule.

Demotion

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

Department Head

City Clerk, On-Sale Manager, Off-Sale Manager, and Maintenance/Public Works Supervisor.

Employee

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

Exempt Employee

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

FICA (Federal Insurance Contributions Act)

FICA is the federal requirement that a certain amount be automatically withheld from employees’ earnings. Specifically, FICA requires an employee contribution for Social Security and Medicare in amounts required by federal law. The City contributes a matching amount on behalf of each employee.

Fiscal Year

The period from January 1 through December 31

Full-time Employee

Employees who are required to work thirty-two (32) or more hours per week year-round in an ongoing position.

Good Standing

The status of an employee who leaves employment with the City (1) where the termination of employment is not the result of discipline, (2) after filing with the City a written resignation stating the effective date of the resignation at least fourteen (14) days before leaving for non-department heads and at least thirty (30) days before leaving for department heads, (3) who has returned all city equipment, (4) who has not committed data wiping on any city owned electronics, and (5) who is otherwise in compliance with all city policies.

Non-exempt Employee

Employees who are covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime at 1.5 times their regular hourly wage for all hours worked over forty (40) in any given workweek.

Part-time Employee

Employees who are required to work less than thirty-two (32) hours per week year-round in an ongoing position

Pay Period

A fourteen (14) day period beginning at 12:00 a.m. (midnight) on Monday through 11:59 p.m. on Sunday, fourteen (14) days later for all non-liquor employees. A fourteen (14) day period beginning at 12:00 a.m. (midnight) on Thursday through 11:59 p.m. on Wednesday fourteen (14) days later for liquor employees.

PERA (Public Employees Retirement Association)

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

Personal Property

Any property, equipment, tools, etc., owned/paid for by the employee of the city. Which includes the borrowing of property from friends, family, etc.

Private Interest

Any interest, including but not limited to financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of the City or its employee(s) that is not available to the general public.

Promotion

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

Reclassify

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

Seasonal Employee

Employees who work only part of the year (100 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for years of service.

Service Credit

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

Temporary Employee

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

Training Period

A six-month period at the start of employment with the City (or at the beginning of a promotion, reassignment or transfer) that is designated as a period within which to learn the job. The training period is the last part of the selection process. Training period may be extended or shortened at the discretion of the employee's supervisor.

Transfer

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

Workweek

A workweek is seven consecutive 24-hour periods.

CITYWIDE WORK RULES & CODE OF CONDUCT**Conduct as a City Employee**

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

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

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand and comply with the rules and regulations as set forth in these Personnel Policies as well as those of their departments.
- Conduct themselves with decorum toward residents, patrons, staff, and the general public, and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate supervisor.

- Maintain good attendance.

Access to and Use of City Property

Any employee who has authorized possession of keys, tools, cell phones, pagers, or other City-owned equipment must register the employee's name and the serial number (if applicable) or identifying information about the equipment with the employee's supervisor. All such equipment must be turned in and accounted for by any employee leaving employment with the City in order to resign in good standing.

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

Appearance

Departments may establish dress codes for employees as part of departmental rules which shall be posted in each department in the location where other employee requirements are posted. Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry or other items that could present a safety hazard are not acceptable in the workplace.

Conflict of Interest

Practice

Employees of the City are to guide the conduct of their official duties according to the principles of the common law Duty of Loyalty; unless otherwise agreed after full and complete disclosure, an employee is subject to a duty to the City to act solely for the benefit of the City in all matters connected with his/her employment.

Use of Confidential Information

An employee of the City shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

Determination of Conflicts of Interest

Employees must regularly monitor their own conduct to be alert to the possibility of actual, apparent, or potential conflicts of interest. When any of these are present or are presented, employees must take appropriate steps to eliminate it or them. Should there be any doubt regarding the existence of a conflict of interest, City employees must proceed on the assumption that a conflict does exist.

This practice is to be used by City employees as a guide in determining the existence of conflicts of interest and in taking action to eliminate them. This practice is not intended to be absolute or all-

inclusive, but is intended to be applied effectively to achieve the overall purpose of the practice.

When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation and to notify in writing the Department Head of the situation, or, if the Department Head has the conflict, then the Department Head shall report the conflict to the Personnel Committee. A conflict of interest shall be deemed to exist when a review of the situation by the employee, the City or the City Council determines any of the following conditions to be present:

- a. the use for private gain or advantage of the employee, the employee's immediate family or a business with which the employee is associated, of City time, facilities, equipment or supplies or badge, uniform, prestige or influence of City office or employment;
- b. receipt or acceptance by the employee of any money or other thing of value from anyone other than the City for the performance of an act which the employee would be required or expected to perform in the regular course or hours of City employment or as part of the duties as an employee.
- c. employment or other gainful association with a business which is subject to direct or indirect control, inspection, review, audit or enforcement by the employee; or
- d. the performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee.
- e. use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee, the employee's immediate family or a business with which the employee is associated which are different from those available to the general public;
- f. acceptance of other employment or contractual relationship that will or may affect the employee's independence of judgment in the exercise of official duties;
- g. actions as an agent or attorney in any action or matter pending before the City except in the proper discharge of official duties or on the employee's behalf or
- h. solicitation of a financial agreement or advantage for the employee or entity other than the City is engaged in the provision of the services or products which are the subject of the agreement or advantage or where the City has expressed an intention to engage in competition for the provision of the services or products, unless the City, after full and prior disclosure by the employee, waives this requirement.

Outside Employment

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

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

- Outside employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a part-time employee's regular work schedule.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- The employee must not use City equipment, resources or staff in the course of the outside employment.
- The employee must not violate any City personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which he/she is also being compensated by the City. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- No employee will work for another employer, or for his/her own business, while using paid PTO leave from the City for those same hours.
- Departments may establish more specific policies as appropriate, subject to the approval of the City Council.

City employees are not permitted to accept outside employment that creates either the appearance of or the potential for a conflict with the development, administration or implementation of policies, programs, services or any other operational aspect of the City.

Acceptance of Gifts/Favors

Employees and elected officials of the City, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the City for any activity related to the duties of the employee unless otherwise provided for by law. However, the acceptance of any of the following shall not be a violation of this section:

- a. Gifts of nominal value; valued at less than \$20.00.
- b. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause;
- c. payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the City and which have been approved in advance by the City as part of the work assignment; or
- d. Honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees on their own time for which they are not compensated by the City.

Use of City Property

An employee or elected official shall not use or allow the use of City time, supplies or City owned or leased property and equipment for the employee's private interests or any other use not in the interest of the City, except as provided by other City policy or procedure or law.

Use of Personal Property

An employee or elected official shall not use or allow the use of the employee's personal property as defined within this policy in performance of their job duties, except as provided by other City policy or procedure or law.

If an employee sees a need for new equipment, tools, etc., they should contact their supervisor. If the employee is in charge of the department they should purchase what is necessary for their department to perform their work efficiently; keeping the department budget and spending limit for manager's in mind.

Falsification of Records

Any employee or elected official who makes false statements or commits, or attempts to commit, fraud in an effort to prevent the impartial application of these policies will be subject to immediate disciplinary action up to and including termination and potential criminal prosecution.

Political Activity

City employees have the right to express their views and to pursue legitimate involvement in the political system. However, no City employee will directly or indirectly, during hours of employment, solicit or receive funds for political purposes. Further, any political activity in the workplace must be pre-approved by the City Council to avoid any conflict of interest or perception of bias such as using authority or political influence to compel another employee to apply for or become a member in a political organization.

For the purposes of Minnesota Statutes Section 412.02, Subdivision 1a, "full-time permanent employment" shall be defined as any work as a full-time employee, part-time employee, seasonal employee, or temporary employee. An employee who performs full-time permanent employment is free to run for and be elected to office. However, the employee will be immediately terminated from employment with the City by the City Council upon their taking the oath of said office.

Smoking

All City buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that no person will smoke tobacco or other substances or use smokeless tobacco while in a City facility or vehicle.

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

EMPLOYEE RECRUITMENT & SELECTION

Scope

City Council will manage the hiring process for Department Heads. Department Head manages hiring process for assistant supervisors and employees. All hires will be made according to merit and fitness related to the position being filled.

Features of the Recruitment System

The City Council or Department Head pursuant to Scope above or designee will determine if a vacancy will be filled through an open recruitment or by promotion, transfer or some other method. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process.

Application for employment will generally be made on application forms provided by the City. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline, in order to be considered for the position. The deadline for application may be extended by the City Council.

Position vacancies may be filled on an “acting” basis as needed. City Council will approve all acting appointments for Department Heads. Department Heads will approve all acting appointments for assistant managers. Pay rate for acting Department Heads is determined by City Council. Pay rates for acting assistant managers are determined by Department Heads.

Testing and Examinations

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

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

The City Council or designee will establish minimum qualifications as set forth in job descriptions for each position with input from the appropriate supervisor. To be eligible to participate in the selection process a candidate must meet the minimum qualifications.

Pre-Employment Medical Exams

The City Council or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any City position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam.

When a pre-employment medical exam is required, it will be required of all candidates who are finalists and/or who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records.

When required, the medical exam will be conducted by a licensed physician designated by the City with the cost of the exam paid by the City. Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist. The physician will notify the City Clerk or designee that a candidate either is or isn't medically able to perform the essential functions of the job, with or without accommodations and whether the candidate passed a drug test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the City Clerk or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations.

If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination.

Background Checks

All finalists for employment with the City will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the level of background check to be conducted based on the position being filled is determined by the job description.

Training Period

The training period is an integral part of the selection process and will be used for the purpose of observing the employee's work and for training the employee in work expectations. Training periods apply to new hires, transfers, promotions and rehires. Training periods are six months in duration.

ORGANIZATION

Job Descriptions and Classifications

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions are the responsibilities of the Department Head. Related records are the responsibility of the City Clerk. Job descriptions are approved by the City Council.

Job Descriptions

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

A job description is prepared for each position within the City. Each job description will include: position title, department, supervisor's title, FLSA status (exempt or nonexempt), general statement of duties, essential functions of the position, minimum requirements, knowledge, skills, and abilities, and supervisory responsibilities (if any). Good attendance and compliance with work rules and policies are essential functions of all City positions.

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

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

Assigning of Work Duties

Assignment of work duties is the responsibility of the supervisor or designee.

Layoff

The selection of employees to be retained will be based on merit and ability as determined by the Supervisor, subject to approval of the City Council. The city does not use a seniority system for layoffs.

HOURS OF WORK

Work Hours

Work schedules for employees will be established by supervisors.

Meal Breaks and Rest Periods

A paid fifteen (15) minute paid break is allowed within each four (4) consecutive hours of work. An unpaid thirty (30) minute lunch period is provided when an employee works eight or more consecutive hours. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time or lunch time by saving these breaks.

Employees working in City buildings will normally take their break at the place provided for that purpose in each building. Employees working out-of-doors will normally take their break at the location of their work. Employees whose duties involve traveling throughout the City may stop along the assigned route at a restaurant or other public accommodation for their fifteen (15) minute break. Exceptions must be approved by the supervisor.

Departments with unique job or coverage requirements may have additional rules, issued by the supervisor on the use of meal breaks and rest periods.

Adverse Weather Conditions

Public works maintenance employees will generally be required to report to work regardless of conditions.

Decisions to cancel departmental programs (special events, recreation programs, etc.) and meetings will be made by the respective supervisor.

Response Time

Maintenance staff shall be required to have a response time of 30 minutes or less to reach the city corporate limits.

COMPENSATION

Full-time employees of the City will be compensated according to pay matrix adopted by the City Council. Supervisors shall determine the step on the pay matrix that new employees will start. Unless approved by the Council, employees will not receive any amount from the City in addition

to the pay authorized for the positions to which they have been appointed. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

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

Paychecks

Paychecks are issued every two weeks. Distribution of paychecks to City employees is to be accomplished in a timely manner using accurate, consistent procedures. When paydays fall on a holiday, checks are normally issued the day before the holiday.

Paychecks will not be given to anyone other than the person for whom they were prepared, unless the person has made other arrangements with the Department Head. Checks will be given to the spouse, or another appropriate immediate family member, in the case of a deceased employee.

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

Time Reporting

Full-time, non-exempt employees are expected to work 32 hours or more per workweek and will be paid according to the time reported on their time sheets.

Time Reporting:

- To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a biweekly basis.
- Each time reporting form must include the signature of the employee and immediate supervisor.
- Reporting false information on a time sheet may be cause for immediate termination.
- Employees are not authorized to clock in for another employee.
- Employees are not authorized to work outside of their scheduled hours unless approved by supervisor.
- Non-Salaried employees can punch in within five minutes before their shift and punch out up to five minutes after their shift end; if there is a variance greater than five minutes then the manager/supervisor needs to approve.
- An employee who works overtime without prior approval may be subject to disciplinary action.
- Any edits done to timesheets must have noted the reason why and approved by the manager/supervisor.

Overtime / Compensatory Time

The City of Stacy has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Council 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:

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

Maximum accrued compensatory time is twenty-four (24) hours per calendar year and is to be used on or before December 31st in the year earned or paid as overtime in year earned. Once an employee has earned twenty-four (24) hours of compensatory time in a calendar year, no further compensatory time may accrue in that calendar year. All further overtime will be paid. Employees may request and use compensatory time off in the same manner as other leave requests. All compensatory time will be marked as such on official timesheets, both when it is earned and when it is used. The City Clerk or Liquor Store Bookkeeper will maintain compensatory time records. All compensatory time accrued will be paid when the employee leaves city employment at the hourly pay rate the employee is earning at that time.

Maintenance employees are eligible for “on-call duty” pay per the City’s Pay Matrix. Maintenance employees and City Clerk’s department are eligible for a minimum of two hours pay if called in outside of normal work hours. No alcohol shall be used during on-call period for all city employees.

Overtime earned will be paid at the rate of time and one-half on the next regularly scheduled payroll date, unless the employee indicates on his/her timesheet that the overtime earned is to be recorded as compensatory time in lieu of payment.

All compensatory time will be marked as such on official timesheets, both when it is earned and when it is used. The Finance Department will maintain compensatory time records. All compensatory time accrued will be paid when the employee leaves city employment at the hourly pay rate the employee is earning at that time.

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

If an employee works on a designated holiday, the eligible employees are entitled to regular pay and holiday pay.

Exempt (non-overtime-eligible) Employees:

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors. Generally, to meet these expectations, and for reasons of public accountancy, 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.

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

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

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

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

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

PERFORMANCE REVIEWS

An objective performance review system will be established by the City Council or designee for the purpose of periodically evaluating the performance of City employees. The quality of an employee's past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary adjustments.

Performance reviews will be discussed with the employee. Employees do not have the right to change or grieve their performance review, but may submit a written response which will be attached to the performance review.

Performance reviews are to be scheduled on a regular basis, at least annually. The form, with all required signatures, will be retained as part of the employee's personnel file. Employee self-assessments are typically part of the periodic performance review.

During the training period, informal performance meetings should occur frequently between the supervisor and the employee.

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

MERIT BASED COMPENSATION POLICY

Compensation Plan Philosophy

The City of Stacy's compensation philosophy is to ensure that each component of its compensation program supports the mission and needs of the city and its employees. The City seeks to provide compensation that is competitive within the parameters of the annual budget. Decisions regarding salaries will be made without regard to race, sex, creed, color, religion, national origin, age, sexual orientation, or physical or mental disabilities. Goals of the City's compensation plan include:

Align with the City's goals

Promote an atmosphere that attracts, engages, and retains highly functioning employees
Provide an equitable pay structure for all employees
Support fiscal responsibility and stewardship of city funds
Compliance with all state and federal laws and regulations governing compensation practices.

Criteria for Merit Based Pay

Successful completion of the probationary period
Annual performance review of “meets expectations” or above

Performance Appraisals

Performance appraisals should be completed within the twelve months preceding the consideration of any merit increase. The performance appraisal is intended as a means of measuring and enhancing individual, and/or team performance; fostering professional development and career growth; aiding in the determination of merit increases; and meeting the internal and external demands for documentation of merit increases; and meeting the internal and external demands for documentation of individual performance.

Amount of Increase

Wage increases are based primarily on merit and funding availability. Factors to consider include the individual’s performance as it relates to current pay and assigned responsibilities; performance relative to other employees in the department; and position within the pay range.

Salary Adjustments

By July 1 of each year the Department Head shall provide a percentage to the council of the proposed increase to payroll. The council will consider the request.

The Department Head will determine the distribution of increases based on the ranking of the annual performance appraisals within their department.

BENEFITS

Health, Dental, Life Insurance

The City will contribute a monthly amount toward available benefits for each eligible employee and his/her dependents. The amount to be contributed and the type of coverage will be determined annually by the City Council, unless employee is enrolled in a different group health insurance. In such case, employee shall provide any and all information required by the City to verify the

employee has group health insurance coverage through a different provider. Employee must purchase long-term and short-term disability, life insurance and health insurance. The unused amount of the amount contributed by the City will not be reimbursed as pay and will be used for other benefits such as AFLAC plan, 457 plan, dental, vision, or other available benefits. These benefits are not guaranteed.

For information about coverage and eligibility requirements, employees should refer to the summary plan description or contact City Clerk.

Retirement

The City participates in the Public Employees Retirement Fund (PERA) to provide pension benefits for its eligible employees. The City and the employee contribute to PERA each pay period as determined by state law. Deductions for PERA will be made during the month if the monthly amount earned exceeds the minimum established by PERA. Most employees are also required to contribute a portion of each pay check for Social Security and Medicare (the City matches the employee's social security and Medicare withholding).

For information about PERA eligibility and contribution requirements contact the City Clerk.

Employee Wellness and Recognition

The following benefits will apply to all city employees (both part-time and full-time):

Stacy Sports Grill Meal Benefit:

The following criteria are to be met when utilizing this benefit (no exceptions):

- A 50% discount will be given to all person employed by the City. This includes Sports Grill, City Clerk's Department, Maintenance Department, and Stacy Wine & Spirits staff.
- This discount is only available on dine-in food items. Not on carry out.
- Discount can only be used once a day by a city employee, whether on or off the clock.
- Discount is on single items only. An employee may not order two things from the menu and receive a discount on both.
- Discount may not be used in conjunction with any food special. Persons must purchase one full priced food item to receive 50% discount on that item only.
- Discount is never allowed on pizzas.
- No discount on beverages.
- Any person accompanying an employee must pay menu full price, unless they are purchasing a special.
- Discount can never exceed ten dollars (\$10).
- All meal discounts will be recorded on computer system under employee meal discount. All receipts showing meal is paid for must accompany tills at the close of the day.

- This benefit does not apply to council members.

Holiday Party:

All employees will be invited to attend the city's annual holiday gathering to thank them for their work throughout the year.

Criteria:

- The city will provide a meal for the employee and one guest.
- Alcoholic beverages may be available for purchase.

Uniforms:***Maintenance Department Personnel:***

- Uniforms are provided and paid for the by city.
- Boots will be reimbursed at \$400 per year.
- Rain gear is provided by the city.
- Cold weather protection is reimbursed up to \$150 per year.

Stacy Wine & Spirits:

- The Wine and Spirits will provide hourly part-time and full-time employees with two shirts upon hire.
- The hourly employee will receive one additional shirt per year.
- At the manager's discretion the number of shirts may be adjusted to the number of hours worked per week by the employee.
- The manager will decide the appropriate number of shirts for management staff.
- The shirts will be returned upon termination of employment with the City.

Stacy Sports Grill:

- The Stacy Sports Grill will provide one baseball cap to the cooks upon hire; and additionally, thereafter as deemed appropriate by management.
- The Stacy Sports Grill will provide hourly part-time and full-time employees with two shirts upon hire.
- The hourly employee will receive one additional shirt per year.
- At the manager's discretion the number of shirts may be adjusted to the number of hours worked per week by the employee.
- The manager will decide the appropriate number of shirts for management staff.
- The shirts will be returned upon termination of employment with the City.

Safety Equipment:

The city will provide to all city employees items that are required to safely perform their job responsibilities.

Longevity Awards:

All employees will receive awards for longevity.

Criteria:

- All employees who reach five years of service will receive recognition thanking them for their dedicated years of service to the community.
- Employees who remain with the city after five years will receive additional recognition every five years.
- The recognition should not be in the form of cash or a gift certificate other than a non-negotiable certificate conferring only the right to receiver personal tangible property. This would be considered taxable income.
- However, if the recognition is in the form of cash, or can be converted to cash such as gift certificate, or additional time off with pay the amount will be considered taxable income and be shown on the employee’s W-2.

HOLIDAYS

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

- | | |
|-----------------------------|------------------|
| New Year's Day | Labor Day |
| Martin Luther King, Jr. Day | Columbus Day |
| President's Day | Veteran's Day |
| Memorial Day | Thanksgiving Day |
| Independence Day | Christmas Day |

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

Full-time employees will receive pay for official holidays at their normal straight time rates, provided they are on paid status on the last scheduled day prior to the holiday and first scheduled day immediately after the holiday. Exempt employees are entitled to 8 hours of compensatory time if they work on a holiday. Any employee on a leave of absence without pay from the City is not eligible for holiday pay. If an employee takes PTO the day before the holiday or the day after the holiday, the employee is not eligible for holiday pay. Temporary, seasonal, probationary, and part-time employees are not eligible for holiday pay.

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

ATTENDANCE & ABSENCE

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

Employees who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence. In case of unexpected absence, employees should call their supervisor before the scheduled starting time. If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where the employee can be reached and/or contact any other individual who was designated by the supervisor. Failure to use established reporting process will be grounds for disciplinary action. Departments may establish more specific reporting procedures.

The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor. Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing. The city may waive this rule if extenuating circumstances warranted such behavior. This policy does not preclude the city from administering discipline for unexcused absences of less than three (3) days.

LEAVES

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

Except as otherwise states, all paid time off, taken under any of the City's leave programs, must be taken consecutively, with no intervening unpaid leave. The City will provide employees with time away from work as required by state or federal statutes, if there are requirements for such time off that are not described in the personnel policies.

Leave Policy for Exempt Employees

Management employees are required to work the number of hours necessary to fulfill their responsibilities including evening meetings and/or on-call hours.

Management employees are required to use paid leave when on personal business or away from the office for four (4) hours or more, on a given day, if the total hours worked in a given day, multiplied by five days, is less than the minimum 40 hours per week.

Absences of less than four (4) hours do not require use of paid leave as it is presumed that the staff member regularly puts in work hours above and beyond the minimum.

If one of the above employees regularly absents themselves from work under this policy and it is found that there is excessive time away from work which is not justified, the situation will be handled as a performance issue. If it appears that less than forty (40) hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to determine whether a part-time position will meet the needs of the City. Additional notification and approval requirements may be adopted by the City Council for specific situations as determined necessary.

All exempt positions, whether or not management, may require work beyond forty (40) hours per week. In recognition for working extra hours, these employees may take some time off during their normal working hours. The time off for extra hours will not be on a one-for-one basis. No leave may be taken after written notice of resignation is given except by council approval.

Paid Time Off Leave (PTO)

PTO is authorized absence from work with pay, granted to qualified full-time employees. PTO is a privilege, not a right. Employees using PTO should give reasonable notice to supervisor.

- Full-time employees will be allocated 52 hours of PTO on January 1st of each year of employment, or prorated based upon the start date of new, eligible employees after successful completion of employment. PTO may not be carried over from year-to-year, and shall not be paid upon termination of employment, whether or not the employee leaves in good standing.
- PTO may be used only for days when the employee would otherwise have been at work. It cannot be used for scheduled days off.
- Any use of non-illness related PTO by non-supervisory employees in excess of 4 hours must be approved in advance by Supervisor.
- Use of PTO can only be used in one-hour increments at a minimum.

PTO may not be used for making up scheduled hours due to tardiness from scheduled work hours. No leave may be taken after written notice of resignation is given except by council approval.

After accrued PTO has been exhausted, vacation leave may be used upon approval of the Supervisor, to the extent the employee is entitled to such leave.

To be eligible for PTO pay for illness, the employee will:

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

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

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

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

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

PTO leave will normally not be approved after an employee gives notice that he or she will be terminating employment. Exceptions must be approved by the Department Head or council if for a Department Head.

PTO leave cannot be transferred from one employee to another.

Vacation Leave

Vacation Leave Schedule

Years of Service	Annual Accrual	Per two week pay period
1 to 4 Years	10 Days or 80 hours	3.08/per pay period
5 to 9 Years	15 Days or 120 hours	4.62/per pay period
10 + Years	20 Days or 160 hours	6.15/ per pay period

Eligibility

Full-time employees will earn vacation leave in accordance with the above schedule.

Part-time employees, temporary and seasonal employees will not earn or accrue vacation leave.

Accrual Rate

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

Earnings and Use

After six months of service, vacation leave may be used as it is earned, subject to approval by the employee's supervisor. Request for vacation shall be for a minimum time increment of 4 hours.

An employee will not earn any vacation leave for any pay period unless he/she is employed by the City on the last scheduled work day of the pay period.

Requests for vacation must be received at least forty-eight (48) hours in advance of the requested time off for 8 hours or less and at least fourteen (14) days in advance for more than 8 hours. This notice may be waived at the discretion of the supervisor. Vacation can be requested in increments as small as four hours up to the total amount of the accrued leave balance. Vacation leave is to be used only by the employee who accumulated it, and cannot be transferred to another employee.

Employees may accrue vacation leave up to a maximum of 160 hours. No vacation will be allowed to accrue in excess of this amount without the approval of the City Council. When unused accrued vacation time has maximized at 160 hours, employee may with council approval request up to one-week pay per year in lieu of one-week vacation time. No leave may be taken after written notice of resignation is given except by council approval.

Payout at Termination

An employee that leaves in good standing with the city will receive their accrued vacation balance paid out to them.

Funeral Leave

Benefited employees will be permitted to use up to three (3) consecutive working days, with pay, as funeral leave upon the death of an immediate family member. This paid leave will not be deducted from the employee's vacation or PTO balance. Employee shall provide proof of death for paid funeral leave in the form of an obituary or death notice. Non-benefitted employees shall be entitled to unpaid funeral leave up to three (3) consecutive working days.

"Immediate family member" is defined as the immediate family of either the employee or his or her spouse including grandparents, parents, step-parents, siblings, step siblings, sibling's spouse, or spouse's sibling's children, and step-children.

Military Leave

State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 days in any calendar year. Such employee is not required to use accrued vacation pay during military leave.

The leave of absence is only in the event the employee returns to employment with the City as required upon being relieved from service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the fifteen (15) day paid leave of absence. Employees on extended unpaid military leave will receive fifteen (15) days paid leave of absence in each calendar year, not to exceed five years.

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

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

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

Jury Duty

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

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

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

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

Court Appearances

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

Victim or Witness Leave

An employee who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony is entitled to reasonable unpaid time off from work to attend criminal proceedings related to the victim's case.

Job Related Injury or Illness

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

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

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

Parenting Leave (state law requirement for cities with 21 or more employees)

Employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence in connection with the birth or adoption of a child. The leave may not exceed six weeks, and must begin within six (6) weeks after the birth or adoption of the child.

Employees are not required to use PTO leave during Parenting Leave but may use PTO leave at their option for any period of this leave for which they are unable to work due to medical reasons.

The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain in effect during the six (6) week Parenting Leave. City shall keep paying all benefit contributions including Life Insurance, Long Term and Short-Term disability, health insurance, and dental insurance, but not the 457 plan. If the employee does not return to work after the leave, the employee must reimburse the city for benefits.

If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently until eligibility for either leave expires.

Adoptive Parents (state law requirement for cities with more than 21 employees)

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

School Conference Leave (state law requirement for cities with more than 21 employees)

Any employee who has worked half-time or more for more than twelve (12) consecutive months, may take unpaid leave for up to a total of sixteen (16) hours during any school year to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. Allows prekindergarten and child care services to also be qualified for the leave with same conditions as above.

Administrative Leave

Under special circumstances, an employee may be placed on an administrative leave pending the outcome of an internal or external investigation. The leave may be paid or unpaid, depending on the circumstances, as determined by the Supervisor.

Bone Marrow Donation Leave

(state law requirement for cities with more than 20 employees)

Employees working an average of 20 or more hours per week may use accrued PTO time, not to exceed 40 hours unless agreed to by the City, to undergo medical procedures to donate bone marrow. The City may require a physician's verification of the purpose and length of the leave requested to donate bone marrow.

Elections / Voting

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed reasonable time off without pay for purposes of serving as an election judge, provided that the employee gives the City at least ten (10) days written notice.

All employees eligible to vote at a State general election, at an election to fill a vacancy in the office of United States Senator or Representative, or in a Presidential primary, will be allowed time off with pay to vote during the election day either at beginning or end of employee's shift. Employees wanting to take advantage of such leave are required to work with their supervisors to avoid coverage issues.

Regular Leave without Pay

The Supervisor may authorize leave without pay for up to thirty (30) days. Leave without pay for greater periods may be granted by the City Council to a maximum of one (1) year. Normally employee benefits will not be earned by an employee while on leave without pay. However, the City's contribution toward health, dental, disability and life insurance may be continued, for leave up to 30 days appear by the supervisor or if approved by the City Council, for leaves of up to ninety (90) days when the leave is for medical reasons and FMLA has been exhausted.

Request for leave without pay must be received at least two (2) days in advance of requested time off for 8 hours or less and at least twenty-one (21) days in advance for more than 8 hours.

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

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

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

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

Family and Medical Leave - General

In accordance with the Family and Medical Leave Act (FMLA) unpaid job protected leave will be granted to all eligible employees (male and female) for up to twelve (12) weeks per twelve (12) month period for any of the following reasons:

1. Birth or placement of a child with the employee for adoption or foster care;
2. To care for a spouse, child or parent who has a serious health condition; or
3. A serious health condition that makes the employee unable to perform the essential functions of the position.

In accordance with the law, the following definitions apply:

"Caring" for someone includes psychological as well as physical care. It also includes acquiring care and sharing care duties.

An eligible "child" is defined as a person under 18 years of age (or a person incapable of self-care because of a physical or mental disability) who is a biological, adopted, foster, or step child, a ward of the employee, or a person with whom the employee is charged with a parent's rights, duties and responsibilities.

An eligible "parent" includes a biological parent or a person who was charged with a parent's rights, duties and responsibilities over the employee when the employee was under the legal age, but doesn't include in-laws.

"Serious health condition" is defined in Federal law, but generally includes incapacity requiring absence from work of more than three (3) days that also involves continuing treatment by a health care provider (includes prenatal care).

Eligibility

An eligible employee is one who has worked for the City for a cumulative period of twelve (12) months and at least 1,250 hours during the twelve (12) month period prior to requesting the leave.

Length of Leave

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The entitlement to FMLA leave for the birth or placement of a child expires twelve (12) months after the birth or placement of that child.

Leave Year

The 12-month period is calculated by measuring twelve months backward from the start date of the employee's last FMLA leave.

Notice

The employee is to give verbal or written notice to his/her supervisor at least thirty (30) days prior to the date on which leave is to begin or if thirty (30) day notice cannot be given as much notice as practical.

If an employee fails to give thirty (30) day notice for a foreseeable leave with no reasonable explanation for the delay, the leave may be denied until thirty (30) days after the employee provides notice. To the extent possible, planned medical treatment should be scheduled so that it will not unduly disrupt the City's operations.

Medical Certification

The employee may be required to provide medical certification to support a request for leave because of the serious health condition of a child, spouse, parent or the employee. A "Certification of Physician or Practitioner" form can be obtained from the City Clerk.

The form is to be completed by the attending physician or practitioner and submitted to the City Clerk within ten (10) days after requested, or as soon as is reasonably practicable.

The City may require a second (or third) opinion at the City's expense. If required, the City will select a health care provider not regularly associated with the City.

If second opinion conflicts with first, a third mutually agreeable health care provider will conduct an examination at the city's expense for final and binding opinion. Medical certification might be included for extended leave, light duty, or reasonable accommodation.

Recertification

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

Intermittent Leave

Leave requested because of a serious health condition of either a family member or the employee may be taken intermittently or on a reduced schedule if medically necessary. All requests for intermittent leave will be evaluated on a case-by-case basis.

The City may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates the intermittent leave than the employee's regular position. If the leave is unpaid, the city will reduce the employee's salary based on the amount of time actually worked.

Fitness for Duty Certification

The City may require a medical certificate attesting to the employee's fitness for duty prior to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of his/her regular job.

The City Clerk may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the ADA (Americans with Disabilities Act). If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

Job Protection

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

An employee's reinstatement rights are the same as they would have been had the employee not been on leave. Thus, if an employee's position would have been eliminated or an employee would

have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

Effect on Benefits

An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had they been continuously employed during the leave period. If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job. An employee who used accrued vacation or PTO time during leave shall continue to accrue benefits during the leave, including accumulation of vacation and PTO Time.

The employee will be required to continue payment of the employee portion of group insurance coverage. In addition, the employee will be responsible for the employee's portion and the City's portion plus any required administrative fee for life insurance continuation, if continuation is desired. The City may choose to continue the City's portion if administratively more convenient.

Arrangements for payment of the employee's portion of premiums must be made by the employee with the City. If an employee's contribution is more than thirty (30) days late, the City may terminate the employee's insurance coverage (subject to COBRA requirements).

If the employee elects to not return to work after the leave, the employee is required to pay the city the health insurance premiums paid by the city for maintain coverage over employees leave. If the employee cannot return to work because of a serious health condition or other circumstances beyond employee's control, they are exempt.

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

During the Family and Medical Leave, employees must use accrued PTO, vacation leave and compensatory time prior to taking an unpaid leave unless their medical condition/injury is covered by worker's compensation or the absence qualifies under the state Parental Leave law (see Parental Leave Policy). Employee may reserve 80 hours of accrued vacation while on FMLA.

FMLA leave counts as continued service for purposes of retirement and/or pension plans.

Records Retention

Records on FMLA leave will generally be kept with normal payroll records except that any medical record will be maintained separately as a confidential medical record in accordance with the law.

Failure to Return from FMLA Leave

Employees who cannot return from an approved FMLA leave at the end of the approved leave period may request an extension (up to the maximum of twelve (12) weeks allowed under FMLA). If the twelve (12) FMLA weeks have already been used, the employee can request to go on a regular unpaid leave of absence. If approved, before unpaid leave begins the employee must use any accrued PTO leave, compensatory time, or vacation leave that remains. If the leave is

approved and unpaid, the employee will be required to pay the full cost of all group insurance, as provided under COBRA, in order to continue coverage.

If the unpaid leave of absence is not approved or the employee fails to request additional leave, the employee will be considered to have voluntarily resigned. If circumstances beyond the employee's control prevented the employee from requesting additional leave, a retroactive leave request may be allowed, subject to the City Council's approval.

If an employee fails to return from an FMLA leave and is determined to have voluntarily quit as described above, the City may seek reimbursement from the employee for the portion of the insurance premiums paid by the City on behalf of that employee during the period of leave.

Light Duty/Modified Duty Assignment

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

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the Supervisor. The Supervisor reserves the right to determine when and if light duty work will be assigned. For supervisors, assignment and determination of right to light duty is determined by Mayor.

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

The City may require a medical exam conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

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

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

RESPECTFUL WORKPLACE POLICY (includes sexual harassment prevention)

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The City acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

Applicability

Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all City personnel including regular and temporary employees, volunteers, firefighters, and Elected Officials.

Abusive Customer Behavior

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

If there is a concern over the possibility of physical violence, a supervisor should be contacted immediately. When extreme conditions dictate, 911 may be called. Employees should leave the area immediately when violence is imminent unless their duties require them to remain. Employees must notify their supervisor about the incident as soon as possible.

Types of Disrespectful Behavior

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

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, pregnancy, gender-biased statements, such as stereotypes about women or men, marital status, age, sexual orientation, gender identity, gender expression, familial status, or status with regard to public assistance.

Offensive behavior may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive to a reasonable person, repeated disparaging, belittling, ridiculing, demeaning, or insulting remarks directed at or about an individual or a characteristic unique to the individual. It is

not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction. Although the standard for how employees treat each other and the general public will be the same throughout the city, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or the City Clerk.

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

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

Sexual harassment includes, but is not limited to, the following:

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

Names and Pronouns Upon written request to the employee's supervisor, every employee will be addressed by a name and by pronouns that correspond to the employee's gender identity. A court-ordered name or gender change is not required.

Employee Response to Disrespectful Workplace Behavior

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

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

Step 1(a). If you feel comfortable doing so, 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.

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 or City Clerk. 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, City Clerk or County Sheriff's Office. 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 or the City Clerk.

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

Supervisor's Response to Allegations of Disrespectful Workplace Behavior

Employees who have a complaint of disrespectful workplace behavior will be taken seriously.

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the City Clerk, 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 the City Clerk about the allegations (if the City Clerk is the subject of the allegations, notify the City Attorney instead).

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

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

Step 6. The alleged violator and complainant will be advised of the findings and conclusions within three (3) business days of adoption of written Findings and Conclusions.

Special Reporting Requirements

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

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

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

Pending completion of the investigation, the City Clerk 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 statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files. If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

Retaliation

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

DISCIPLINE

General Policy

Supervisors are responsible for maintaining compliance with City standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City of Stacy. City employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable city policies.

Discipline will be administered in a non-discriminatory manner. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the City's personnel policies. The supervisor and/or the City Council will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

No Contract Language Established

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

Process

The City may elect to use progressive discipline with any employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any City employee has a property right to the job he/she performs.

Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee.

The following are descriptions of the types of disciplinary actions:

Oral Reprimand

This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors have the ability to issue oral reprimands.

Oral reprimands are normally given for first infractions on offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. The supervisor will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

Written Reprimand

A written reprimand is a more serious disciplinary action than oral reprimand and may be issued when the problem is not corrected or the behavior has not consistently improved in a reasonable period of time. Serious infractions may require skipping either the oral or written reprimand, or both. Written reprimands are issued by the supervisor.

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

Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean that they agree with the reprimand. Written reprimands will be placed in the employee's personnel file.

Suspension With or Without Pay

The Supervisor may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans will not be suspended without pay in conjunction with a termination.

The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file.

An employee may be suspended or placed on involuntary leave of absence pending an investigation of an allegation involving that employee. The leave may be with or without pay depending on a number of factors including the nature of the allegations. If the allegation is proven false after the investigation, the relevant written documents will be removed from the employee's personnel file and the employee will receive any compensation and benefits due had the suspension not taken place.

Immediately Dischargeable Actions

Failure to follow one or more of the guidelines below is cause for immediate dismissal, but shall not be deemed to exclude the City's right to discipline or dismiss employees for other reason.

- a. Deliberate misuse of the City's communication system(s). Any transmission other than for the purpose of communication relating to City operations is misuse.
- b. Material omission in employment application forms or other City records (including but not limited to driving records and time reporting), or making untrue statements to the City.
- c. Failure to report any change in and/or loss of driving privileges when driving is an essential function of the job.
- d. Stealing or attempting to steal from the City, other employees, or the public. Scrap items have value; they may not be taken from the premises.
- e. Insubordination: failure and/or refusal to carry out legitimate instructions, orders, or requests to perform assigned work, or suggesting or directing another employee to engage in such conduct.
- f. Provoking a fight or fighting (whether on City premises or in field) or placing of fellow employees in fear of reprisal.
- g. Reporting to work and/or working while under the influence of intoxicating beverages and/or narcotics or other mind-altering substances, or having illegal possession of same on City property, or while performing services for the City.
- h. To appear to be sleeping on the job, or sleeping on the job.
- i. Discrimination against, harassment of, or creation of a hostile, offensive, or intimidating work environment for other employee(s) on the basis of their gender, national origin, race, color, sexual orientation, religion, age, disability, or other basis prohibited by local, state or federal law.
- j. Serving or selling of alcoholic beverage(s) to a person under the age of 21.

Transfer and/or Demotion

An employee may be demoted or transferred if attempts at resolving an issue have failed and the Supervisor determines a transfer to be the best solution to the problem, or the city council determines that demotion is the best solution to the problem. The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

Salary

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

Dismissal

The City Council may dismiss an employee for any reason or no reason for substandard work performance, serious misconduct, or behavior not in keeping with City standards.

If the disciplinary action involves the removal of a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

During the first twenty-one days of employment for new employees, the employee's supervisor may suspend the employee for any reason pending termination by the council. The supervisor shall immediately notify the city clerk of this suspension, so that a special meeting can be called by the Council.

REVIEW OF COMPLAINTS ABOUT CITY EMPLOYEES

The City of Stacy hereby adopts the following policy to address complaints by the city council, city staff or the public regarding performance of a city employee.

1. Employee records and performance appraisals will be maintained pursuant to the Personnel Policy adopted by the city. The requirements of the Minnesota Government Data Practices Act shall be followed, and employees will normally have their performance evaluated at least twice during the training period and annually thereafter.
2. All complaints relating to city employees need to be in writing, by the complainant. This is to be done by completing the City Employee Complaint Form or by other written means which provides the information that is required by the city form completed by the complainant. The form/complaint is to be given to the City Clerk.
3. The city will not investigate complaints made in the public comment section of the city council meetings. These complaints will need to be completed in writing by the complainant as indicated above and given to the City Clerk.
4. The city shall establish a standing personnel committee. Any complaint in writing, as discussed above, made by a member of the council, city staff or the public about a city employee shall be referred to the personnel committee for review and appropriate action, which may include, but is not limited to, investigation of the complaint, interviewing the complainant, interviewing the city employee and speaking with other persons who may have relevant information. The personnel committee shall comprise members of the city council numbering not more than two.
5. Upon referral of a complaint to the personnel committee, the city attorney shall be notified of the allegation against the employee and the status of the referral to the personnel committee. Upon completion of the investigation, the personnel committee shall recommend to the council whether any formal action or further action should be taken. All

requirements under the Minnesota Government Data Practices Act, the Veterans Preference Act and the Minnesota Open Meeting Law shall be followed in consultation with the city attorney.

6. All procedures for discipline under the Personnel Policy which has been adopted by the city, shall be followed. Procedures for providing due process to the city employee shall be followed in consultation with the city attorney.

GRIEVANCE PROCEDURE

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

Step 1: The employee must present the grievance in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested, to the proper supervisor within fourteen (14) days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within seven (7) calendar days.

Step 2: If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the Personnel Committee through the City Clerk within seven (7) days after the supervisor's response is due. The Personnel Committee will respond to the employee in writing within fourteen (14) calendar days. The decision of the City the Personnel Committee may be reviewed by the city council with a request by employee to the city clerk with seven (7) days of decision of Personnel Committee.

Waiver

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

The following actions are not grievable:

1. Performance evaluations;
2. Pay increases or lack thereof; and
3. Merit pay awards.

The above list is not meant to be all inclusive or exhaustive. All written correspondence and written decisions regarding the grievance shall be placed in the employee's personnel file.

EMPLOYEE EDUCATION & TRAINING

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

It is the practice of the City to encourage continuing education and improvement of work-related skills and knowledge. To effectively and positively promote this concept, the City has, with City Council approval, adopted and maintained an educational reimbursement program.

Employees while in regular, full-time employment who, in order to improve their work performance, take courses which have a direct relationship to their work (i.e. in the judgment of the Department Head which apply more than 50% to the job) or to a position they can reasonably hope to advance to, may, upon submission of evidence of successful completion of such courses (a B average or better) be reimbursed up to 100 % of the amount of the tuition. This program shall include undergraduate and graduate courses taken towards a degree. This shall also include seminars, workshops and other courses which may be deemed appropriate.

In those cases where the City requires that the course be taken, as a condition of employment and/or promotion, or because it is essential to the job, 100% reimbursement for tuition and course fees may be granted.

Employees otherwise eligible for a reimbursement under this program shall not submit claims for reimbursement when such tuition has been or shall be paid by a federal plan of "benefits for veterans and service personnel" or by other sources.

Factors upon which the employee's eligibility for participation in this program include, but are not limited to: work record; performance evaluations; length of service; relevancy of the course work to the employee's position; status of the educational institution, and; availability of funds.

Employees desiring to take advantage of this education practice must have the course work approved prior to enrollment by their immediate supervisor and the Department Head.

Policy

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

Job-Related Training & Conferences

The subject matter of the training session or conference is directly job-related and relevant to the performance of the employee's work responsibilities. Responsibilities outlined in the job description, annual work program requirements and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related.

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

The supervisor is responsible for determining job-relatedness and approving or disapproving training and conference attendance.

Job-Related Meetings

Attendance at professional meetings costing \$100.00 or less and directly related to the performance of the employee's work responsibilities does not require the approval of the city council. Advance supervisor approval is required to ensure adequate department coverage.

Request for Participation in Training & Conferences

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

Requests totaling more than \$100.00 must be approved by the employee's supervisor and the city council. Documentation approving conference or training attendance will be provided to the employee with a copy placed in the employee's personnel file.

Payment information such as invoices, billing statements, etc., regarding the conference or training should be forwarded to accounting for prompt payment.

Out of State Travel

Attendance at training or conferences out of state is approved only if the training or conference is not available locally. **All requests for out of state travel are reviewed for approval/disapproval by the City Council.**

Not to Exceed Figure

Payment of training and/or conference expenses must not exceed department budgeted amount per fiscal year, excluding travel and subsistence costs. Exceptions must receive approval by the City Council.

Compensation for Travel & Training Time

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

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

Memberships and Dues

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

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

Travel & Meal Allowance

If employees are required to travel outside of the area in performance of their duties as a City employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. However, the City will not reimburse employees for meals connected with training or meetings within City limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting.

Employees who find it necessary to use their private automobiles for City travel and who do not receive a car allowance will be reimbursed at the prevailing mileage rate as established by the City Council, not to exceed the allowable IRS rate, less \$0.05 per mile. Lodging the city will reimburse the lease expensive single room rate available at the location of the conference, or the actual cost incurred, whichever is less.

Expenses for meals, including sales tax and gratuity, will be reimbursed according to this policy. No reimbursement will be made for alcoholic beverages. Meal expenses of \$50.00 per day will be allowed.

A full reimbursement, over the maximum defined, may be authorized if a lower cost meal is not available when attending banquets, training sessions, or meetings of professional organizations.

Tuition Reimbursement

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

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

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

The City will pay the cost of tuition upon successful completion (C grade or better; “pass” in a pass/fail course) of the approved course. Reimbursements will be prorated for full-time employees. Employees must reimburse the City if they voluntarily leave employment within twelve (12) months of receiving tuition reimbursement from the City.

Reporting Requirement. Employee shall submit a written summary of training/education to the supervisor.

DRUG AND ALCOHOL TESTING AND DRUG-FREE WORKPLACE POLICY

Purpose and Objectives

The City has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City does not intend to intrude into the private lives of its employees, but strongly believes that a drug- and alcohol-free workplace is in the best interest of employees and the public alike. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The City's drug and alcohol testing policy has been established for the purpose of providing a safe workplace for all.

Definitions

Alcohol: Means the intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl, or isopropyl alcohol. The term includes but is not limited to beer, wine, spirits, and medications such as cough syrup that contain alcohol.

Alcohol use or usage: Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant: Means a person applying for a job with the City.

City premises: Means, but is not limited to, all City job sites and work areas. For the purposes of this policy, city premises also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment of the City.

City vehicle: Means any vehicle which employees are authorized to use solely for City business when used at any time; or any vehicle owned or leased by the City when used for City business.

Collection site: Means a place designated by the City where job applicants and employees present themselves for the purpose of providing a specimen of their breath, urine, and/or blood to be analyzed for the presence of controlled substances and alcohol.

Confirmatory test: Means a controlled substance or alcohol test on a sample to substantiate the results of a prior controlled substance or alcohol test on the same sample, and that uses a method of analysis allowed under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Drug: Has the same meaning as “controlled substance” defined in Minn. Stat. § 152.01, subd. 4.

Drug and alcohol testing, drug or alcohol testing, and drug or alcohol test: Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of drugs, alcohol, or their metabolites in the sample tested.

Drug paraphernalia: Has the meaning set forth in Minn. Stat. § 152.01, subd. 18.

Employee: Means a person who performs services for compensation for the City and includes independent contractors except where specifically noted in this policy.

Initial screening test: Means a drug or alcohol test that uses a method of analysis under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Job applicant: Means a person who applies to become an employee of the City, and includes a person who has received a job offer made contingent on the person passing drug testing.

Positive test result: Means a finding of the presence of alcohol or a drug.

Random selection basis: Means a mechanism for selection of employees that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and (2) does not give an employer discretion to waive the selection of any employee selected under the mechanism.

Reasonable suspicion: Means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

Safety-sensitive position: Means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

Under the influence: Means (1) the employee tests positive for alcohol or a drug, or (2) the employee's actions, appearance, speech, and/or bodily odors reasonably cause the City to conclude that the employee is impaired because of drug use or alcohol use.

Prohibition against Controlled Substance and Alcohol

Use and Possession of Alcohol or Drug(s):

Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, or drug paraphernalia while on duty; while on City premises; while operating any City vehicle, machinery, or equipment; or when performing any city business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter controlled substance used as intended by the manufacturer; (3) when necessary for approved law enforcement activity, or (4) when possessing, transferring, distributing, selling, soliciting to sell, or dispensing alcohol as part of the employee's job description.

Besides having a zero-tolerance policy for the use or possession of alcohol, drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils or pills) on the worksite by a person working as an employee at the City or while "on call" and subject to return to work. Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. The federal government still classifies cannabis as an illegal drug, even though some states have decriminalized its possession and use. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates city equipment or vehicles or who is on one of our worksites. Applicants and employees are still subject to being tested under our drug and alcohol testing policy. And employees are subject to being disciplined, suspended, or terminated after testing positive for cannabis if the employee used, possessed, or was impaired by cannabis, including medical cannabis, while on the premises of the place of employment or during the hours of employment.

While Impaired of Alcohol or Drug(s):

Employees are prohibited from being under the influence of alcohol or drugs or having a detectable amount of a drug in the blood or urine when reporting for work; while on duty; is on the City's premises; while operating any city vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over-the-counter controlled substance used as intended by the manufacturer.

Driving While Impaired:

A conviction of driving while impaired in a City-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting city business, may result in discipline, up to and including discharge.

Criminal Controlled Substance Convictions:

Any employee convicted of any criminal drug statute must notify the City Clerk in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a controlled substance-related conviction, the City will take appropriate personnel action against the employee up to and including discharge, or require the employee to satisfactorily participate in a controlled substance abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment.

Failure to Disclose Lawful Controlled Substance:

Employees taking a lawful controlled substance, including prescription and over-the-counter controlled substances, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee's responsibility to seek out written information from his/her physician or pharmacist regarding medication and any job performance impairment and relay that information to his/her supervisor. In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.

Types of Testing**Pre-Employment Testing:**

The City may require that all applicants who have received conditional offers of employment be tested, so long as the same test is required of all job applicants conditionally offered employment for that position. If the job offer is withdrawn based on drug test results, the city will inform the applicant of the reasons for the withdrawal. A failure of the drug test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment even if the applicant's provisional employment has begun. A negative or positive dilute test result (following a second collection), which has been confirmed, will also result in immediate withdrawal of an offer of employment to an applicant.

Reasonable Suspicion Testing:

Consistent with Minn. Stat. § 181.951, subd. 3, employees will be subject to alcohol and controlled substance testing when reasonable suspicion exists to believe that the employee:

- Is under the influence of alcohol or a controlled substance; or
- Has violated written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while working, while on city property, or while operating city vehicles, machinery or any other type of equipment; or

- Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury or;
- Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol or a controlled substance or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the city's policies concerning alcohol or drugs may have occurred.

For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee. For an on-site collection service, the employee will remain on site and be observed by the supervisor or designee. The medical facility or on-site collection service will take the urine or blood sample, and will forward the sample to an approved laboratory for testing.

Random Testing:

In accordance with Minn. Stat. § 181.951, subd. 4, the City may require an employee to submit to random testing if the employee is in a safety-sensitive position.

Testing Procedure

Testing will occur in accordance with the provisions of Minn. Stat. §§ 181.950-181.957. Before requesting an employee or job applicant to undergo drug or alcohol testing, the City shall provide the employee or job applicant with a form on which to acknowledge that the employee or job applicant has seen this policy.

Cost of Required Testing:

The City will pay for the cost of all drug and alcohol testing requested or required of all job applicants and employees, with the exception of confirmatory tests. Job applicants and employees are responsible for paying for all costs associated with any requested confirmatory tests.

Right of Refusal:

Employees and job applicants have the right to refuse to submit to an alcohol or drug test under this policy. However, such a refusal will subject an employee to immediate termination. If an applicant refuses to submit to applicant testing, any conditional offer of employment will be withdrawn.

Any intentional act or omission by the employee or applicant that prevents the completion of the testing process constitutes a refusal to test.

An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug and/or alcohol test. In such a case, the

employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.

An employee or job applicant who, on religious grounds, refuses to undergo drug or alcohol testing of a blood sample will not be considered to have refused testing, unless the employee or job applicant also refuses to undergo drug or alcohol testing of a urine sample.

Diluted Specimens:

A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.

Notification of Negative Test Results:

In the case of job applicants and in accordance with Minn. Stat. § 181.953, the City will notify a job applicant of a negative drug result within three days of receipt of result by the City, and the hiring process will resume. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the test result. A “Negative Test Results Notification” form will be sent to the job applicant, and the job applicant may request a copy of the test result report from the City.

In the case of current employees and in accordance with Minn. Stat. § 181.953, the City will notify the employee of a negative drug and/or alcohol result within three days of receipt of result by the city. A “Negative Test Results Notification” form will be sent to the employee, and he or she may request a copy of the test result report from the City.

Notification of Positive Test Results:

In the event of a confirmed positive blood or urine alcohol and/or drug test result, the city will notify the employee of a positive drug and/or alcohol result within three days of receipt of the result. The City Clerk will send to the employee or job applicant a “Positive Test Results Notification” letter containing further instructions. The employee or job applicant may contact the City to request a copy of the test result report if desired. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the City within three working days of the test result.

Right to Provide Information after Receiving Test Results:

Within three working days after notice of a positive controlled substance or alcohol test result, the employee or job applicant may submit information to the City to explain the positive result. In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three working days after a positive test result that explains the positive test result to the City’s satisfaction (such as medications the employee is taking), the City will not take an adverse employment action based on that information unless the employee has already been under an affirmative duty to provide the information before, upon, or after hire.

Right to Confirmatory Test:

A job applicant or employee may request a confirmatory test of the original sample at the job applicant’s or employee’s own expense after notice of a positive test result on an original test. Within five working days after notice of the original test result, the job applicant or employee must

notify the City in writing of the job applicant's or employee's intention to obtain a confirmatory test. Within three working days after receipt of the notice, the City will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory test or transfer the sample to another qualified laboratory licensed to conduct the confirmatory test. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all samples testing positive for a period of six months. The confirmatory test will use the same controlled substance and/or alcohol threshold detection levels as used in the original test.

In the case of job applicants, if the confirmatory test does not confirm the original positive test result, the City's job offer will be reinstated and the City will reimburse the job applicant for the actual cost of the confirmatory test. In the case of employees, if the confirmatory test does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory test result, and the City will reimburse the employee for the actual cost of the confirmatory test.

Access to Reports:

In accordance with Minn. Stat. § 181.953, subd. 10, an employee will have access to information contained in his or her personnel file relating to positive test results and to the testing process, including all information gathered as part of that process.

Consequences for Engaging in Prohibited Conduct

Job Applicants:

The City's conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for a drug as verified by a confirmatory test.

Employees:

- No Adverse Action without Confirmatory Test. The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- Suspension Pending Test Result. The City may temporarily suspend a tested employee with or without pay, or transfer that employee to another position at the same rate of pay pending the outcome of the test, provided the City believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the test is negative.
- The City will not discharge an employee for a first positive test unless the following conditions have been met:
 - The City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or

physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and

- The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

CITY DRIVING POLICY

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

The City will examine driving records once per year for all employees who are covered by this policy to determine compliance with this policy. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first work day after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter.

If vehicle is used for city purposes, Employee shall provide proof of insurance and valid license on a periodic basis as requested by Employer. City shall also review driver's license status for employees using city vehicles.

The City will determine appropriate action on a case-by-case basis.

ELECTRONIC COMMUNICATIONS & CELL PHONE USE – GENERAL CONDITIONS **Note: Also, see separate document: Social Media Policy**

The following practice covers all electronic communication including the City's E-mail, Internet, Cellular Phone Use, Smart Phones, Computers, Tablet Computers, and Web Site. This practice applies to all City employees, contractors, consultants, volunteers, agents or any other persons who have gained or are given access to the City's computer system. City policies and procedures are adopted to increase awareness of the risks associated with using electronic communications and to communicate the City's requirements regarding the use of electronic communications.

Electronic communication plays an increasingly significant role in our work. Along with the benefits of electronic communication come increasing risks and responsibilities. Employees are

responsible for adhering to City standards when electronic communications are created, sent, forwarded or saved. Failure to adhere to these policies places the City and the individual at risk for legal or financial liabilities, potential embarrassment and other consequences.

All other City policies apply to electronic communication, even if not specifically mentioned in this practice. For example, users must bear in mind the requirements of City policies, including those which cover substandard performance, harassment and other forms of misconduct.

Procedures

The City will develop procedures and technical standards related to providing and maintaining information and transacting business on the City's Electronic Communication systems. The purpose of these procedures is to facilitate the flow of information while maintaining the integrity and security of the system and information.

Violations

Access to electronic communications systems is a privilege and not a right. Anyone who uses these systems in a manner that is not consistent with City policies may be subject to disconnection from the City network and may be subject to disciplinary action, up to and including termination.

Purpose of Electronic Communication

The electronic communication system is a City-owned tool to be used primarily for matters directly related to the business activities of the City and as a means to further the City's mission by providing services that are efficient, accurate, timely and complete. The City also promotes strong working relationships among employees and a supportive working environment and would therefore allow dissemination of information such as news about employees or notices of regional events.

Public Nature of Electronic Communication

Electronic communication is a public record like any other public document. Users must understand that any communications created, received or backed up on the City systems may be construed to be public documents and thus may be subject to legal requests for public disclosure. This includes communications that users might think of, incorrectly, as personal and private. Electronic communication may be searched for evidence in any legal proceeding.

Inspection and Monitoring

The City has the authority to inspect and/or audit the contents of any equipment, files or mail in the normal course of business. Reasons for review and/or audit include, but are not limited to: investigation of network slowdown; system hardware or software problems including software license compliance; general system failure; support identification, termination and prosecution of unauthorized activity; litigation or potential litigation; suspicion of a crime or violation of practice; or a need to perform work or provide a service.

Electronic audit mechanisms will conform to standard audit data formats and be capable of recording: access to the system, including successful and failed login attempts, and logouts; inbound and outbound file transfers; terminal connections to and from external systems; sent and received e-mail messages; Web sites visited, including uniform resource locator of pages retrieved, and; date, time and user associated with each event.

The City does not systematically inspect all records and relies on users to report offensive or inappropriate material to their Department Head or another appropriate individual.

By using the City's electronic communication system, all users consent that the City may, at its discretion, inspect, use or disclose any electronic communications and/or data without further notice for any legitimate business, legal or disciplinary purpose and may disclose or disseminate such messages to appropriate third parties.

Principles of Acceptable Use

Employees and City employed contractors shall maintain the highest professional ethics and conduct in conformance with the City's Code of Conduct while on the City's electronic communication systems. When the user sends a message outside the City, through the Internet, the message will be identified as coming from the user at the City. Because the user represents the City and because the user's messages are public information, all such messages must conform to acceptable business standards.

Personal use: Users must restrict personal use to appropriate, occasional use that does not interfere with the conduct of City business or result in additional costs to the City.

Privacy: Users must respect the privacy of others. Users shall not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users, except in the normal, authorized conduct of their work.

Security: Users must respect the integrity and security of computing systems. Users shall not use or develop programs that harass others or infiltrate a computer or computing system or damage or alter the software components of a computer or computing system. Users may not install their own

or any other software or hardware products on City-provided computers or workstations without prior approval from their Department Head.

City Identity: Users must be aware of their potential audiences when sending communications, just as they are when using any other City communication tools. This includes not presenting personal opinions in such a way as to confuse potential readers regarding City policies. The Internet E-mail account identifies the user to others as a City employee and therefore, users must conduct themselves in a manner that is consistent with City goals and with the best image of the City.

Principles of Unacceptable Use

The following uses of the system are unacceptable:

Personal Use:

- Activities unrelated to official assignments and/or job responsibilities, except for occasional personal use.
- Religious and political purposes including soliciting for charity or support for outside organizations (unless sponsored by the City).
- Private advertising of products or services or any activity meant to foster personal gain including outside business or commercial activities for the purpose of financial gain.
- Downloading and/or installing files, programs or system components for something other than a business use and/or without prior approval from their Department Head.
- Creating and/or forwarding repetitive-mail messages or unsolicited messages (sometimes referred to as Spam or Mail bombs).

Illegal purposes:

- Transmitting or intentionally accessing threatening, obscene or harassing material.
- Promoting, fostering or perpetuating discrimination on the basis of race, creed, color, age, religion, sex, marital status, status with regard to public assistance, national origin, physical or mental disability, or affectional preference.
- Communicating messages of an offensive, harassing, threatening or disruptive nature. Among those which may be considered offensive are messages which contain sexual implications, racial slurs, or any other comment that offensively addresses someone's age, gender, sexual orientation, religious or political beliefs, national origin or disability.
- Sending messages that contain any kind of sexually explicit remarks, material or attached documents or which may be a violation of the City's practice on sexual harassment. Such a violation may include sexually explicit remarks, material, or attachments. In addition, sexually explicit material which is disallowed under the City's sexual harassment practice shall not be archived, stored, distributed, edited or recorded using the City's resources, unless done so for the purpose of an investigation or litigation or for legitimate personnel reasons.

Copyrighted Information:

Use of the electronic communication system to copy and/or transmit any documents, images, software or other information protected by a copyright owned by someone other than the City, without proper authorization from the copyright owner, is prohibited. Copyright protection applies to any document, image, software or information unless it is specifically marked as public, not copyrighted, or freeware. In the absence of any specific copyright markings, material or information should be considered copyright protected. The City assumes no responsibility for reviewing, ascertaining or policing copyright material that may be transmitted to or from the electronic communication system by employees.

Network Security:

Activities that interfere with or disrupt network users, services or equipment, including mass distribution of advertising or messages, intentional distribution of viruses or seeking unauthorized access to other machines on the network is prohibited.

Information Distribution Restrictions:

Users shall not disclose Not Public Data or Attorney-Client Privileged communications or any data protected by State or Federal data laws or statutes. Users should be careful not to disclose Attorney-Client Privileged Communications to inappropriate parties.

Users should avoid, if possible, distributing confidential information or data not ready for public distribution, which could contain inaccurate or incomplete information. Works in progress should be clearly marked as draft documents and dated.

Security Restrictions:

Users are responsible for taking precautions to protect the City system. Employees and City employed contractors shall not seek to breach system security, integrity and/or established protocols, nor aid or assist others in doing so. In the event an employee or contractor uncovers what he/she believes is a system security or system integrity problem or violation, the employee or contractor must notify the appropriate Department Head immediately. This employee or contractor must subsequently support efforts to isolate and identify such parties as may be affecting the breach of system security. In order to maintain consistent and cost-effective support, employees may not install their own or any other software or hardware products on City-provided computers or workstations without prior approval from the appropriate Department Head.

Passwords:

Users are responsible for protecting passwords against unauthorized use. Users must change program passwords and system passwords every six months; the employee shall report all such changes to the appropriate Department Head. All computers shall revert to sleep mode within five (5) minutes requiring a password.

Unauthorized Access:

Users must not read, use or tamper with someone else's PC without their knowledge and consent. Unauthorized use of another's account is unacceptable and may be unlawful.

Downloads:

Employees and City employed contractors shall not download any executable files without prior approval of the appropriate Department Head. Nor shall they download any software, or types of items known in-kind to contain or harbor viruses or other software items, which could damage the City's Internet system or network or alter the City's standard desktop image.

Bulletin Boards:

Bulletin boards, discussion groups and similar systems are available to City employees both for internal communications and for communication with the public. These systems may use E-mail or a Web browser for their interface.

Procedures for setting up, participating in and maintaining City-sponsored bulletin boards are the responsibility of the City.

Employees using City-owned systems to communicate on internal or external bulletin boards or discussion groups must adhere to professional communication standards.

City and Internet E-mail Procedures:

Procedure for Miss-delivered Messages:

If an E-mail message is delivered by mistake, the recipient should notify the sender immediately and notify the appropriate Department Head if the problem appears to be system related rather than sender error. Purposefully reading E-mail intended for another person without the express permission of that person or the City is impermissible and may be a violation of law.

Forwarding E-mail:

A user, in forwarding a message, which originates from someone else, shall not make changes to that message without clearly disclosing the exact nature of the changes and the identity of the person who made the changes. If a message has been designated by its originator as a form of "Not Public Data" or "Attorney-Client Privileged," the recipient shall not forward the message without the prior consent of its originator.

Unsolicited E-mail:

The City may act to block incoming E-mail if necessary to protect the operation of the City-wide E-mail system or to protect employees from harassing or offensive messages. Employees are encouraged to use caution before providing the E-mail addresses to discussion lists, online guest books or other mechanisms from which junk E-mail lists are often created.

All-User E-mail:

Messages going to all users may overload the City's E-mail servers. During the time required to deliver a message to all users, internal and external E-mail service is slowed. Multiple messages to all users may cause the servers to go out of service.

The following procedure is necessary to maintain high quality E-mail service:

1. All messages must conform to the City's practice on appropriate use of E-mail. The use of graphics and attachments must be kept to a minimum to reduce processing time.
2. Consider alternatives to sending messages to all users. Check the address books for smaller groups.
3. Labeling Messages as a Form of Not Public Data
4. Although electronic communication is generally a public document, electronic transmission of Not Public Data is an exception to the general public nature of E-mail.
5. Designating a message as Not Public Data or a form of Not Public Data may minimize the possibility that the recipient will disclose it to unintended third parties. When electronic communication is used to transmit Not Public Data, as defined in State or Federal law, the message should be clearly marked with one of the following designations: Not Public Data or Confidential or Private or Nonpublic or Protected Nonpublic or Trade Secret.

Labeling Messages as Attorney-Client Privileged:

Although electronic communication is generally a public document, electronic transmission of Attorney-Client Privileged communications is an exception to the general public nature of

electronic communication. When electronic communication is used for communications between an attorney and a client, the message shall be clearly marked with the heading "Attorney-Client Privileged". Merely designating a message as privileged does not necessarily protect it as privileged, but the designation has a legally useful purpose. Privileged information, which is received from an attorney, shall not be forwarded without the attorney's authorization. Clients should consult with the attorney before sending courtesy copies to anyone.

Retention of E Mail:

E-mail messages meet the State of Minnesota definition of a record. As such, specific classifications of E-mail, including any attachments, shall be retained according to the City Practice. The function and content of the E-mail message determines the value and corresponding retention requirements of the message, and the appropriate Department Head is responsible for these decisions.

General Internet Use

The City is committed to providing Internet access to its employees to support their business needs. With the high-performance tools available through the Internet, employees are more effectively able to acquire, disseminate and utilize information.

Installation:

Employees may not install their own Internet client support products on City-provided computers or workstations for personal use. Employees and City employed contractors may not use the City's Internet connection without prior approval from the appropriate Department Head.

Services:

All Internet users will have the ability to browse Web sites and, through their City E-mail account, have the capability of sending and receiving mail across the Internet. Other Internet functions are not a part of the City's basic Internet access, but can be installed provided a business need can be demonstrated. If installed, their use must adhere to professional communication standards.

Costs:

Users may not access sites or download information that may result in an unapproved expense to the City. No City business shall be conducted on the Internet that requires the use of City debit or credit instruments, such as credit cards, without the prior approval of the appropriate Department Head. Should any costs, liabilities or damages be incurred, inadvertently or otherwise, the City will assume no liability, and may, at its discretion, seek restitution from and/or take disciplinary action with the responsible party or parties.

Bulletin Boards:

City employees may participate in external bulletin boards if participation in the board supports the employee's normal business functions. Employees may not participate in non-work-related boards.

Warning:

Employees are cautioned that obscene, offensive or other inappropriate information may be encountered while using the Internet. The City and its support contractors cannot prevent this from occurring. City employees and contractors employed by the City are expected to refrain from intentionally accessing or disseminating such information.

Internet usage by individuals may be monitored by the City and/or Department Head, including external links and services being accessed by employees and City contractors through the City provided Internet service.

City Web Site

The purpose of this practice is to ensure a unified presence on the Web so that users can easily locate accurate information about City government, information and services. The Web allows users to move easily from one site to another, and this feature can lead to confusion about the source of information. By maintaining a common domain name and graphic design, the City can distinguish its information from that provided by other sources. In addition, a unified Web site allows users to search quickly for the information they need.

Coordination and Design:

The City represents itself on the Web under the domain name stacymn.org, which conforms to the Internet standard for organizations such as the City. The City's Web site address is www.stacymn.org.

The City Clerk coordinates the City's Web site and assists City departments in making information available on the Web. The Clerk will design the City's Web site to provide a consistent graphic look that is easy to navigate and accessible to the public. Web pages produced by or for City departments will conform to this design standard.

Domain Name

City departments will use the City's domain name (stacymn.org or other) for Web activity related to City business or services only.

Web Site Content:

The Web site contains basic information about City services. Departments are encouraged to make additional public information available on the City's Web site. The City Clerk will review and approve all content to ensure that it is compatible with City goals and communication plans. The Clerk will coordinate with departments to provide tools, training and other assistance so that departments can publish and maintain their information on the Web site.

Cellular Phone Use

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

General Policy:

City-owned cellular telephones are intended for the use of City employees in the conduct of their work for the City. Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit supervisor discretion to allow reasonable and prudent personal use of such telephones or equipment. City-owned cellular phones and privately-owned cellular phones may be used for personal, non-work related use while on duty for emergency use only or while on designated work breaks during an employee's shift. All expenses incurred for personal use of City-owned cellular phones will be reimbursed to the City by the employee.

There shall be a password set for each mobile device. This will provide for a layer of protection if they are lost or stolen. The password shall also be provided to the city clerk.

It is required that no city business is performed on personal mobile devices. This includes accessing city email accounts. City email or texts being read on a personal phone opens an employee's personal phone up to discovery for city related lawsuits.

City cell phone data shall follow the records retention schedule.

City cell phones are the property of the City and must be returned to the city clerk upon termination of employment; data on the cell phones shall remain intact and data wiping of a city cell phone shall not occur.

Data wiping of a City cell phone shall constitute a misdemeanor, per Minnesota Statute 609.88, the city may choose to request the county prosecute you under the computer damage statute.

It is the objective of the City of Stacy to prevent and correct any abuse or misuse of cellular telephones through the application of this policy. Employees who abuse or misuse such telephones may be subject to disciplinary action.

Responsibility:

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

SAFETY

The health and safety of each employee of the City and the prevention of occupational injuries and illnesses are of primary importance to the City. To the greatest degree possible, Department Head's will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of each supervisor.

Reporting Accidents and Illnesses

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

Safety Equipment/Gear

Where safety equipment is required by federal, state, or local rules and regulations, it is a condition of employment that such equipment be worn by the employee.

Unsafe Behavior

Supervisors are authorized to send an employee home immediately when the employee's behavior violates the City's personnel policies, department policies, or creates a potential health or safety issue for the employee or others.

HUMAN RESOURCES & BENEFITS INFORMATION MANAGEMENT OF PERSONNEL FILES

Data Practices Advisory

Employee records are maintained in a location designated by the City Clerk. Personnel data is kept in personnel files, finance files, and benefit/medical files. Information is used to administer employee salary and benefit programs, process payroll, complete state and federal reports, document employee performance, etc.

Employees have the right to know what data is retained, where it is kept, and how it is used. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

Access to Personnel Data/File

It is the practice of the City to manage requests for and access to personnel data and/or files in accordance with the provisions of Minnesota Statutes, Section 13.43. "Personnel data" means data on individuals collected because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with, the City.

In general, the City considers and treats personnel information or data as being "private" and not subject to release except by order of a court of proper jurisdiction, with the following exceptions:

1. Name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
2. Job title; job description; education and training background; and previous work experience;
3. Date of first and last employment;
4. The existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
5. The final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the City;
6. The terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in Minnesota Statutes, Section 123.34, Subdivision

9a, paragraph (a); except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;

7. Work location; a work telephone number; badge number; and honors and awards received; and
8. Payroll time sheets or other comparable data that are only used to account for employees work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of PTO or other medical leave or other not public data; and city and county of residence.

A final disposition occurs when the City makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreement(s), a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the City or arbitrator.

The City may display a photograph of a current or former employee to a prospective witness as part of its investigation of any complaint or charge against an employee.

A complainant has access to a statement provided by the complainant to the City in connection with a complaint or charge against an employee.

Notwithstanding any contrary law, upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

The following personnel data on current and former applicants for employment by the City, or appointment to an advisory board or commission is public: veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position.

For an overview of personnel data classified as public, please refer to Public Personnel Data

Various State and Federal laws require employers to keep certain data about employees. Guidance on the management of government data is found in Minnesota Statutes, Chapter 13, Minnesota Government Data Practices Act. Personnel data are information about an individual collected and maintained because the person has or had an employment relationship with the city. This definition also includes individuals who voluntarily perform services for the city or act as an independent contractor for the city

Personnel Records

Per the State of Minnesota, Information and Policy Analysis Division, only relevant records on each employee, including volunteers, should be retained in the personnel file. Certain records should NOT be retained in employee personnel files: medical records, health insurance information, I-9 Forms, Child Support Obligation records, investigations or any other record, which by its presence in the personnel file, may raise an inference of discrimination. All originals should be maintained by the personnel department or another responsible department.

The following are examples of those documents found in the various files listed:

Personnel File

- employment application
- resume
- veteran's preference verification
- supplemental application
- work samples submitted with application
- reference check results
- miscellaneous materials submitted with application
- written offer of employment stating position, start date & starting salary
- performance evaluations & other performance documentation
- training record (workshops, conferences, classes, etc.)
- notices of change in status: pay, address, phone number, position, full-time/part-time, change in departments, etc.
- if under 18 – verification of age (copy of birth certificate, age certificate, or driver's license)

Special File

- records relating to an investigation

Medical/Benefits File

- benefit enrollment forms (health, dental, life, long term disability, etc.)
- emergency contacts
- pension / retirement information
- workers compensation claim information
- any info of a medical nature: physicians' notes, prescription information, etc.
- leave slips indicating any medical reason for which leave was used
- notices re: Family and Medical Leave Act
- notices re: Americans with Disabilities Act

Payroll/Financial File

- I-9 Form
- W-4 Form
- forms authorizing various payroll deductions
- leave records
- attendance records
- time sheets

Minnesota Government Data Practices Act

MN Statutes, Chapter 13, requires every city to establish procedures to ensure that requests for government data are received and complied with in an appropriate and prompt manner.

Access by the public – (MN Statutes 13.03) Upon request, a person must be permitted to inspect and copy public government data at reasonable times and places, and upon request, must be informed of the data's meaning. The requesting party should complete a data practices request form. The city may require the requester to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and the cost for making, certifying, and compiling the information, but may not charge for separating public from not public data. If a person requests access for the purpose of inspection only, the city may NOT assess a fee.

Access by City Supervisors, Mayor and Council Members – Such persons must have a legitimate city-related business reason to review a personnel file.

Access by subjects of data – (MN Statutes 13.04). Upon request, an individual must be informed if he/she is the subject of stored data and the classification of any such data. The data subject is entitled to review information about himself/herself once every six months. Copies of the data must be provided upon request by the data subject. A city may require the requester to pay the actual costs of making, certifying and compiling copies. Requests made pursuant to this subdivision must be complied with immediately. If that is not possible, compliance must be within ten days of the date of the request (excluding Saturdays, Sundays, and legal holidays).

Records Retention Schedule – The purpose of a records retention schedule is to have a plan for managing governmental records and obtaining authority to dispose of records per MN Statutes 138.17. A guide to developing a records retention schedule for your city can be obtained by contacting: Minnesota Management and Budget, www.mmb.state.mn.us, (651) 201-8000.