



**GRAND RAPIDS
PUBLIC UTILITIES**
Service is Our Nature

COMMISSION POLICY

Personnel Policy

Category:

Administration

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Personnel

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CITY OF
GRAND RAPIDS
IT'S IN MINNESOTA'S NATURE

PERSONNEL POLICIES

PUBLIC UTILITIES COMMISSION

GRAND RAPIDS, MN

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**PUBLIC UTILITIES COMMISSION
CITY OF GRAND RAPIDS
MINNESOTA
PERSONNEL POLICIES**

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PERSONNEL POLICIES

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**PUBLIC UTILITIES COMMISSION
CITY OF GRAND RAPIDS
MINNESOTA
PERSONNEL POLICIES**

1.0 INTRODUCTION

1.1 PURPOSE

It is the purpose of these Personnel Policies to set forth certain policies relating to personnel administration for the City of Grand Rapids Public Utilities Commission (“Commission”) and to establish procedures, which may serve as a guide to administrative action concerning personnel activities and transactions.

It shall be the purpose of these Personnel Policies to ensure:

1. That each employee shall be encouraged to render his/her best Service to the Commission.
2. That all appointments and promotions to, and separations from, positions in the Commission will take into consideration merit and fitness.
3. That position classification and compensation plans shall be adopted which will conform with the principles of comparable compensation for comparable work.

1.2 ADOPTION

These Personnel Policies were adopted by the Commission on _____ . These policies replace all previous related personnel policies, ordinances, and past practices, whether written or oral.

The Commission may modify, amend, add to, vary from or delete any or all provisions of these Personnel Policies in the exclusive discretion of the Commission, with or without advance notice to employees. These policies do not create a contract between the Commission and employees, nor do they vest in any employee a right or benefit which cannot be changed or deleted by the Commission, in its exclusive discretion, at any time without notice to affected employees.

Copies of these Personnel Policies shall be distributed to Appointing Authorities and printed copies shall be prepared and made available to employees and for public inspection.

1.3 ADMINISTRATION

These Personnel Policies shall be administered by the Personnel Director designated by the Commission and accountable to the Commission.

The Personnel Director shall provide the necessary forms for reports of all personnel actions under these Personnel Policies. Such forms shall provide for supporting or otherwise pertinent information, as the Personnel Director shall deem necessary for the records of the Commission. Such forms or supplementary instructions to Department Managers shall explain which of the actions call for prior approval of the Personnel Director and/or Commission, which of them need accompanying information, and which of them need to be reported sufficiently in advance of effective dates for proper action.

1.4 SAVINGS CLAUSE

If any portion of these Personnel Policies are held invalid the remainder shall not be affected thereby.

1.5 DEPARTMENTAL RULES

Department Managers may establish departmental rules for the purpose of handling personnel matters peculiar to the department so long as departmental rules do not conflict with these Personnel Policies, and grievances with respect to such rules are subject to the procedures contained in these policies. Such departmental rules shall be approved by the General Manager prior to implementation.

1.6 EQUAL EMPLOYMENT OPPORTUNITY POLICY

This policy shall apply to all employees and applicants for employment, and shall include, but not be limited to, recruiting, selection, assignment, training, promotion, compensation, benefits, leaves of absence, discipline, layoff, and discharge. All personnel decisions will be based solely on job-related considerations. It shall be the responsibility of every Department Manager to cooperate in the implementation of this policy.

The Commission is committed to providing equal opportunity in employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, genetic information, or any other classification protected under local, state or federal law. The Commission is also committed to prohibiting discrimination in employment on the basis of race, color, creed, religion, national origin, sex, marital status, familial status, status

with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, genetic information, or any other classification protected under local, state, or federal law.

Discrimination will not be tolerated. Similarly, retaliation against any employee who makes a report of discrimination or who participates in a discrimination investigation will not be tolerated. Any employee who engages in discrimination and/or retaliation will be subject to disciplinary action, up to and including termination of employment.

1.7 ACCOMMODATIONS POLICY

The Commission will provide reasonable accommodation of any employee's disability or religious beliefs, observances, or practices, so long as such accommodation would not impose an undue hardship. The Commission will also provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth. The Commission will engage in an interactive process with any employee who requests an accommodation.

The Commission will provide the following accommodations to any pregnant employee at her request: (1) more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. With respect to other accommodations, the Commission may request certification from the pregnant employee's licensed health care provider or certified doula and may refuse to provide an accommodation that would impose an undue hardship on the operation of its business.

The Commission will not require any employee to take a leave of absence or to accept an accommodation. Any employee who requires any type of accommodation should contact the Personnel Director.

1.8 WAGE DISCLOSURE POLICY

Employees have the right to communicate about wage / salary, benefits, and other terms and conditions of employment. The Commission will not: (1) require non-disclosure by an employee of his or her wages as a condition of employment; (2) require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages; or (3) take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.

The Commission will not retaliate against any employee for asserting any rights or remedies with respect to the Minnesota Wage Disclosure Protection statute. Any employee may bring a civil action against the Commission for a

violation of the statute. Remedies may include reinstatement, back pay, restoration of lost service credit, and expungement of any adverse records.

1.9 JURISDICTION

These Personnel Policies shall be in effect for all Commission employees except for elected officials, members of the Commission and the Commission Attorney. These policies shall apply to Commission employees covered by collective bargaining agreements, except for those provisions of these Personnel Policies which are inconsistent with collective bargaining agreements, and as to those, the terms of the collective bargaining agreement shall control.

1.10 MANAGEMENT RIGHTS

The Commission retains the full and unrestricted right to operate and manage all manpower, facilities and equipment; to establish functions, policies, and programs; to set and amend budgets; to determine the utilization of manpower and technology; to establish and modify the organizational structure; to select, assign, direct, and determine the number of personnel and their classifications; to judge an employee's skill, ability, efficiency and qualifications; to establish work schedules; to hire, assign, transfer, promote, layoff, reprimand, suspend, discipline or discharge employees; to determine the Commission's mission and policies and to set forth all standards of service to be offered to the public; to introduce new or improved methods, equipment or facilities; to maintain the efficiency of employees, control and regulate the use of equipment and other property of the Commission; to close down or expand the operation or any part thereof and reduce, alter, combine, transfer, cease any department, operation or service; to determine the number, size, location and operation of facilities and divisions, groups and departments thereof; to make change and enforce rules, policies and practices not in conflict with other provisions of these Personnel Policies; to establish quality standards; to determine the services to be rendered, bought or sold, and to contract out for goods and services; and to perform any other managerial functions whether or not specifically identified in these policies.

1.11 DEFINITIONS

Unless otherwise indicated, the following words and terms wherever used in these Personnel Policies shall have the meaning indicated below:

APPOINTMENT – The selection and assignment by the Commission of a person to be an employee in a specified position.

APPOINTING AUTHORITY - The person or group of persons empowered by applicable law to make appointments.

CLASS – One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used to designate each position within that class. That the same general qualifications are needed for performance of duties of the class, that the same general test of fitness may be used to recruit employees, and that the same schedule of compensation may be applied.

CLASSIFICATION – The initial assignment of a position to a class.

DAY – A calendar day unless otherwise specified.

DEMOTION – A change of an employee's status from a position in one class to another class with a lower salary range.

DISMISSAL – Termination of employment.

EMERGENCY EMPLOYEE – A person who is appointed to perform certain duties when an emergency exists. Such appointment is limited to no more than 10 aggregate working days in any 12-month period for any single Department Manager.

EMPLOYEE – Any person holding a paid position subject to appointment, dismissal, promotion, or reduction by an appointing authority.

EMPLOYER – The Grand Rapids Public Utilities Commission. The Commission may delegate employer functions to the General Manager who may in turn delegate employer functions to Department Managers.

EXEMPT EMPLOYEE – An executive, administrative, or professional employee who is exempt from the provisions of the Fair Labor Standards Act for overtime compensation and minimum wages.

FULL-TIME EMPLOYEE – An employee who is normally scheduled to work 40 or more hours per week.

INTERN – An individual in a training program who has no status as an employee.

LAYOFF – The temporary or permanent termination of employment because of abolishment of a position, lack of funds, shortage of work, or other reasons beyond the control of the employee.

LEAVE OF ABSENCE – Certain types of approved time off from work, with or without pay, as identified in these Personnel Policies.

MILITARY LEAVE – The leave of absence granted by State law or Federal law for employees who are called to service in the Armed Forces of the United States.

NON-EXEMPT EMPLOYEE – An employee who is covered (not exempted) by the provisions of the Fair Labor Standards Act for overtime compensation and minimum wages.

OVERTIME – All hours worked in excess of forty (40) hours per week.

PART-TIME EMPLOYEE – An employee who is normally scheduled to work less than 40 hours per week.

PERSONNEL DIRECTOR – The General Manager, designated by the Commission to act as Personnel Director. Specific references to his/her duties and tasks are not meant to preclude appropriate delegation of such to assistants, consultants or Department Managers.

POSITION – A group of current duties and responsibilities assigned or delegated by the General Manager requiring full-time or part-time employment of one person.

PREMIUM PAY – A periodic, temporary adjustment to an employee's rate of pay at one and one-half times their straight time hourly wage; generally applies for eligible overtime and holiday hours worked.

PROBATIONARY EMPLOYEE – An employee who has not yet successfully completed a probationary period.

PROMOTION – A change of an employee's status from a position in one class to a position in another class with a higher salary range.

RECLASSIFICATION – A re-assignment or change in classification of an individual position resulting from significant changes in the duties and responsibilities of the position.

REGULAR EMPLOYEE – An employee who has successfully completed a probationary period. Designation as a regular employee does not mean that an employee is guaranteed a job or a set amount of hours of work.

RETIRED EMPLOYEES – An employee who leaves utility employment and who is eligible for and immediately begins to receive benefits under the Public Employees Retirement Act (PERA).

TEMPORARY EMPLOYEE – An employee who has been appointed to a position with a specified ending date or for an indeterminate period but for the

purpose of addressing a special need, participating in a special project, or filling in for a leave of absence of indefinite duration.

TRANSFER – A change by an employee from one position to another position of the same class or to another class of the same salary range.

UTILITY – All departments and employees coming under the jurisdiction of the Commission.

2.0 RECRUITMENT AND SELECTION

2.1 AUTHORIZATION AND RESPONSIBILITY

With some exceptions, the following policies are applicable to the recruitment and selection of all Commission employees. However, several categories of appointments may be made without strict adherence to these policies at the discretion of the Personnel Director or Commission or in accordance with departmental rules approved by the Commission as more specifically provided hereafter.

All new positions must be approved by the Commission prior to any internal or external advertising for applicants. A written proposal, reviewed by the Personnel Director, is required before authorization will be granted by the Commission. Position Justification and Cost Forms are available from the Personnel Director. The Commission must also authorize the filling of a vacancy prior to any internal or external advertising.

Throughout the recruitment and selection process, the Department Manager and Personnel Director shall work together to assign tasks, review information and make decisions. The Personnel Director shall provide guidance and assistance to assure that an appropriate process is used. He or she shall also assure that the results of each step are properly documented.

2.2 ANNOUNCEMENTS AND APPLICATIONS

2.2.1 ANNOUNCEMENTS

The Personnel Director shall be responsible for advertising the position vacancy. Department Managers shall provide any information necessary to facilitate the filling of the position. After receiving the information, the Personnel Director shall first review the layoff list for qualified persons. In addition, such persons must be considered by the Department Manager prior to advertisement as per Section 5.7. Internal announcements of a vacancy shall be posted for five (5) working days in any department where employees are working who may be eligible for the position. Interested employees must submit an application during this notice period. The Personnel Director shall attempt to notify potentially qualified employees who may be on paid or unpaid leave of absence throughout the posting period. Such internal advertising may be done prior to, in lieu of, or in conjunction with external advertising at the discretion of the Personnel Director.

After the Personnel Director and/or the Department Manager has reviewed the layoff list, the Personnel Director may place an ad in a local newspaper which shall appear at least twice with the closing date for applications no sooner than 10 days after the first ad appears, and such other places of

advertising as the Personnel Director determines appropriate or the Commission directs. The position opening may be posted internally and also listed with the Minnesota Department of Employment and Economic Development.

For each advertised vacancy, a brief written summary of the duties, required abilities and qualifications, hours, salary range, and application deadline shall be prepared. The summary shall be provided to all persons requesting application forms or expressing interest in the position. In addition, a "Tennessee Warning" shall be included as per Section 7 of these policies.

2.2.2 APPLICATIONS

Only the Personnel Office is authorized to hand out and receive job application forms for the Commission. This is to ensure that only up-to-date forms are used; that interested persons receive other materials that may be handed out with the form, and that applications are received on time.

Any current Commission employee may apply for an opening without jeopardizing his or her present position.

2.3 SCREENING, TESTING, RANKING AND INTERVIEWING

2.3.1 SCREENING

Applications shall be screened to insure completeness and that applicants have the minimum qualifications of experience and education.

2.3.2 TESTING

When appropriate and feasible, the Personnel Office may administer or arrange for another person or agency to administer written and/or physical tests for potentially qualified applicants. Such tests will measure skills, abilities, and/or knowledge needed for the position.

2.3.3 RANKING

Applicants will be ranked for further consideration using a 100-point scale based on test results and ratings of experience and education. Appropriate points will also be credited as required pursuant to the Minnesota Veterans' Preference Act. A determination shall be made as to how many applicants, considered in rank order, shall be interviewed. The determination shall be made as to provide equal opportunity to applicants with similar qualifications and lead to the selection of the best qualified person.

2.3.4 INTERVIEWING

Interviews shall be conducted by a team consisting of the General Manager, the Department Manager, a Commission member (at the option of the Commission) and any other person the General Manager and Commission agree to make up the team. A list of interview questions shall be prepared and/or reviewed by the Personnel Director and used consistently for each candidate. A major objective of the interview process shall be to obtain additional information on each applicant's skills, abilities, and overall fit within the department.

2.4 SELECTION AND NOTIFICATION

After candidates have been interviewed, the Personnel Director or the Department Manager shall check personal references and previous employers of all the finalists being considered for a position. Such investigations shall be made to confirm and collect information relevant to the performance of the job duties, and to determine the honesty, integrity, dependability, etc. of the candidate.

The Interview Committee shall determine a final ranking, select the best qualified candidate and provide a written summary to the Personnel Director of the basis for the final decision.

The Personnel Director shall present to the Commission the results of the recruitment and selection process at the next Commission meeting.

The appointment shall not be considered final until confirmed by the Commission.

The Personnel Director shall provide the selected candidate with a starting date, salary and any other condition, agreements, or information relevant to the appointment. The new employee shall also receive a copy of these Personnel Policies and complete the New Employee Orientation Process.

Upon acceptance of the appointment by the selected candidate, the Personnel Director shall notify the other applicants in writing that the position has been filled and that they may re-apply for future openings.

2.5 RETENTION OF APPLICATIONS

Applications and test results will be kept on file for at least one year. If the position is re-opened during the probationary period, or if another opening in the same classification is to be filled, the Department Manager, in consultation with the Personnel Director, may elect to reconsider the same list of candidates without re-advertising the position.

Any person who has a current application (less than one year old) on file with the Personnel Office may request in writing to be considered for any position which is being advertised as open. Such request must be made on or before the closing date for that position. At the request of the applicant, any previous training and experience rating and/or test results may be considered in the screening and ranking process in lieu of updating.

2.6 PHYSICAL AND MENTAL HEALTH EXAMINATIONS

The selected candidate for a position may be required to undergo an appropriate physical examination, which may include a medical history, at the Commission's expense and by a physician or agency approved by the Personnel Director. Such examination may be required provided:

1. An offer of employment has been made on the condition that the person meets the physical and mental requirements of the job, and
2. The examination tests only for essential job-related abilities, and
3. The examination, unless undertaken pursuant to the Minnesota Workers' Compensation Act, is required of all persons conditionally offered employment for the same position regardless of disability.

Any information obtained regarding the medical condition or history of a candidate will be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record.

2.7 EMPLOYMENT OF RELATIVES

The employment of relatives of employees is permitted by the Commission, as long as qualifications for the position are met and, in the opinion of the Commission, a conflict of interest will not be created. Employees will normally not be assigned to work in positions where relatives will make or may influence decisions affecting work assignments, responsibilities, salary, promotion, or other career matters. A Department Manager seeking to hire, transfer or promote a relative must obtain prior written approval from the General Manager.

Any situation that implicates this policy will be reviewed by the Commission. In considering the employment of relatives, care will be taken to avoid age-based, sex-based, or other unintended discriminatory effects. For example, where a conflicting relationship is established, it is not to be presumed that the youngest of the two persons or (if one is female) that the woman would be the one whose job is to be altered, or whose employment or promotion is to be modified or denied.

“Relatives” include spouse, parent, parent-in-law, child, grandparent, grandchild, or an individual with whom an employee has a personal domestic partner relationship.

3.0 APPOINTMENTS

A distinction is made between appointment to a specified position and appointment to service with the Commission. For example, probation and permanent status are associated with appointments to specified positions. Accumulation of benefits such as paid time off and pensions are based on service with the Commission and are not lost due to changes in position.

3.1 TYPES OF APPOINTMENTS

All new appointments to positions shall be considered probationary as described in Section 3.3. In addition, each appointment may be further described as full-time, part-time or temporary.

3.1.1 FULL-TIME AND PART-TIME

A full-time position is one that normally requires 40 hours per week. A part-time position is one that normally requires less than 40 hours per week on an annual basis.

3.1.2 HIRING OF TEMPORARY POSITIONS

If the specific temporary positions and funding have been approved through the budget process, the Department Manager and Personnel Director may effect the hiring. The hiring will comply with the following Personnel Policy sections:

- Section 2.2.1 ANNOUNCEMENTS
- Section 2.2.2 APPLICATIONS
- Section 2.3.1 SCREENING
- Section 2.3.2 TESTING
- Section 2.3.3 RANKING
- Section 2.5 RETENTION OF APPLICATIONS

No further approval of the Commission is required for these positions. An employee appointed to a temporary appointment may be transferred, laid off or discharged without prior notice and without right of appeal.

3.1.3 EMERGENCY

A Department Manager, with the approval of the General Manager, may make an emergency appointment to meet unique and immediate needs, appointing any person he or she considers qualified. Such appointment is limited to no more than 10 aggregate working days in any 12-month period. An employee appointed to an emergency appointment may be transferred, laid off or discharged without prior notice and without right of appeal.

3.2 PAYROLL NOTIFICATION

The Personnel Department shall notify the Payroll Department of all new appointments and changes in appointments. Such notification will specify the type of appointment and the salary arrangements. The Payroll Department shall not pay any new salaries or wages to new or existing employees without such notification from the Personnel Department.

3.3 PROBATION

All newly appointed full-time and part-time employees shall be designated as “probationary” and must successfully complete a probationary period of service in that position. The probationary period shall be up to 1040 working hours or 12 months, whichever occurs first, such hours to include hours actually worked, excluding paid and unpaid leaves. A probationary employee is subject to personnel action (i.e., transfer, layoff, dismissal, etc.) without prior notice and without right to appeal. Prior to any such actions, the Appointing Authority shall consult with the Personnel Director. The employee shall be notified in writing of any such actions.

Probationary employees may use accrued paid time off (PTO) as per Section 8.8, but must repay the Commission for any such days used if their employment is terminated prior to successful completion of their probationary period. Probationary employees shall receive holiday and funeral leave as per Sections 8.7 and 8.9.4 and need not repay these if terminated.

Probationary employees shall be reviewed by the Department Manager during the probationary period. At least 21 calendar days prior to the expected completion of a probationary period, the Personnel Director shall request from the Department Manager a written performance evaluation and notification as to whether or not the employee shall be considered to have successfully completed the probationary period. If the Department Manager is not satisfied that the employee has demonstrated the necessary ability, skills, and interest to perform the duties of the position adequately, then the probationary employee shall be terminated. If deemed appropriate, the Department Manager may recommend an extension of the probationary period not to exceed 1040 working hours. Such recommendations must be approved by the Personnel Director and the employee shall be notified in writing of the reasons for the extension.

The Personnel Director shall notify the employee of the results of the probationary evaluation and place a copy of the notification in the employee’s personnel file.

3.4 REGULAR STATUS

Upon successful completion of the probationary period, an employee is granted “regular status” in that position. Attainment of regular status means that an employee has certain rights with respect to grievances, discipline, dismissal, due process, etc., as well as benefits for paid time off and other leaves of absence. These are described throughout these policies. Regular status does not mean that an employee is guaranteed a job or a set amount of hours of work. Regular employees are subject to layoff, dismissal, promotion, demotion, and transfer.

4.0 HOURS OF WORK

4.1 WORK SCHEDULES

The normal workweek shall be 40 hours, measured from Sunday through the following Saturday. The normal workday shall be 8 working hours, with normal work hours for most office positions from 8:00 a.m. to 5:00 p.m., Monday through Friday. Some office positions and many field positions may have different schedules as set by the Department Manager and approved by the General Manager. This section shall not be construed as a guarantee that employees will be scheduled to work the normal workday or normal workweek on a regular or permanent basis. Employees will receive advance notice of changes in the work schedule when reasonably practical.

4.2 BREAKS

Lunch breaks shall be unpaid. The lunch break may not be used to perform any work duties. Employees shall receive one (1) paid fifteen (15) minute rest period for each four (4) hours of scheduled work. Rest periods shall be calculated from the time normal work stops to the time normal work resumes. Department Managers and Supervisors should discourage leaving the work site for rest periods. Lunch breaks and rest periods are to be scheduled with Department Manager and/or Supervisor approval.

When employees are working an uninterrupted eight (8) hour shift, their lunch and rest breaks shall not exceed thirty (30) minutes in total.

Except for occasional, unusual circumstances approved by the Department Manager and/or Supervisor, employees shall not work through their breaks in order to shorten their workday. In some cases employees may be requested to be at their work site during their normal lunch break and, in such cases, arrangements will be made to reschedule the lunch break or compensate the employees accordingly.

Any employee who needs to express breast milk for her infant will receive reasonable unpaid break time each day to do so. The break time must, if possible, run concurrently with other break time. The Commission will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a bathroom or a toilet stall, that is shielded from view and free from intrusion from co-workers and the public and that includes access to an electrical outlet, where an employee can express breast milk in privacy. The Commission will not retaliate against any employee for asserting any rights or remedies with respect to the Minnesota Nursing Mothers statute.

4.3 ATTENDANCE AND RECORD KEEPING

Regular and punctual attendance at work shall be required of all employees. Each Department Manager shall be responsible to monitor the punctual attendance of all employees under his / her supervision. Department Managers shall submit to the Personnel Director, on a weekly basis, attendance records for all non-exempt employees. All attendance records shall set forth all hours worked on a daily basis, as well as paid time off work, and include the signature of the employee. Such records are to be on forms provided or approved by the Personnel Director, and signed by the Department Manager.

Certain groups of employees are required to record the time worked using a time clock and time card. The following procedures shall be adhered to in the use of time clocks and time cards:

1. The employee's first and last name shall be entered by the employee on the time card.
2. The pay period starting and ending date for the pay week will be entered on each side of the time card. Pay weeks are from Sunday to Saturday.
3. "Written in" times are not allowed unless initialed by the Department Manager.
4. No employee shall punch in or out for another employee.
5. If for some reason the time clocks are not recording the proper information, the employee shall notify his/her Department Manager.

4.4 OVERTIME

4.4.1 NON-EXEMPT EMPLOYEES

4.4.1.1 TIME AND A HALF

Non-exempt employees shall be entitled to additional compensation for hours worked in excess of 40 hours in a workweek or 8 hours in a day. Compensation shall be at one and one half times the regular hourly rate, subject to the criteria listed below in Section 4.4.1.2. Overtime earnings will be paid during the normal payroll period. There shall be no pyramiding of daily or weekly overtime.

4.4.1.2 CALCULATION

The following shall not be included in the calculation of hours worked in excess of 40 hours in one week for purposes of determining eligibility for overtime pay.

- Unpaid leaves of absence
- Lunch breaks

The payroll office will calculate the amount of time worked based on approved attendance records submitted as per Section 4.3 of these policies. Calculations for hours worked will be rounded to the nearest tenth of an hour (1/10) hour, i.e. six minutes.

4.4.1.3 AUTHORIZATION

Employees shall be expected to work overtime when requested. The employee's Department Manager or Supervisor must authorize overtime work prior to the employee performing it. Should an employee work overtime without authorization, he/she will be subject to discipline.

4.4.2 EXEMPT EMPLOYEES

Department Managers and other employees who are exempted from the provisions of the Fair Labor Standards Act (i.e., executive, administrative, professional) shall not be eligible to receive additional and/or premium pay as compensation for overtime hours worked. Such employees are expected to manage their work and balance their schedules as necessary to get their jobs done.

4.5 SEVERE WEATHER

Based on consultation with the City Administrator, and/or other appropriate public officials, the General Manager shall be responsible for closing Commission Offices to the public due to severe weather. In such cases, employees normally scheduled to work shall be excused with pay. On those occasions when an employee is unable to come to work or must miss part of a day due to weather conditions and Commission offices remain open, the employee must deduct it from accrued paid time off. Any deductions from accrued paid time off (or, if none, from salary) for exempt employees must be approved by the Personnel Director. Employees who are required to come to work when the offices have been closed to the public shall be credited with time worked at straight time rates. If Commission offices are closed to the public, it will be announced over the local radio stations.

4.6 ABSENCE WITHOUT LEAVE

Any absence of an employee from scheduled duty that is not promptly reported to, and authorized by, his/her Department Manager shall be deemed an absence without leave for which compensation shall not be paid by the Commission. Authorization for such absences may be granted retroactively at the discretion of the Personnel Director in unusual circumstances. An employee who: fails a) to get proper authorization for a leave or b) to give notice to the employer prior to the start of his/her scheduled work day or c) fails to return from an authorized paid or unpaid leave of absence shall typically be considered to be absent without leave.

5.0 CHANGE OF EMPLOYMENT STATUS

5.1 PROMOTIONS

Employees may be promoted to vacant positions following a competitive process as per Chapter 2 of these policies. Such employees shall serve a probationary period of evaluation with respect to that position of ninety (90) working days. At any time during the probationary period, employees may be returned to their old position at the discretion of the Department Manager in consultation with the Personnel Director. During the first fifteen (15) working days of the promotional appointment, the employee may voluntarily elect to return to the employee's prior position. An employee promoted to a new position having a higher salary range than for the employee's current position shall advance to the nearest higher salary rate in the salary range for the new position.

5.2 TRANSFERS

Employees may voluntarily apply and compete for a transfer to a posted vacant position as per the procedures of Chapter 2. Such employees shall serve a probationary period of evaluation of up to ninety (90) working days and, at any time during the probationary period, may be returned to their old position at the discretion of the Department Manager in consultation with the Personnel Director.

A Department Manager may transfer an employee from one position to another within the same department, same class, and salary range. The Department Manager shall notify the Personnel Director and submit a revised job description.

A transfer of an employee from a position in one department to a position in another department having the same class and salary range may be made without posting if deemed to be in the best interest of the Commission. Such transfers shall be made only with the consent of the Department Managers involved and the Personnel Director, and after consultation with the employee concerned.

An employee transferred to a new position having the same salary range as for the employee's current position shall not receive a salary increase.

5.3 DEMOTIONS

Demotions shall mean the assignment of an employee to a lower class position as a result of a transfer to a different position or the transfer or deletion of certain duties. Transfer to a position may be voluntary and competitive as per the procedures of Chapter 2, or made when deemed to be

in the best interest of the Commission. The latter shall be made only with the consent of the Personnel Director.

The transfer or deletion of duties resulting or potentially resulting in a demotion may be made for disciplinary reasons or due to factors outside of the employee's control. Such changes in duties and the reasons for these shall be discussed with the employee as part of a performance review, using a form approved by the Personnel Director. The Personnel Director shall review the information, collect any additional information that he/she deems necessary, and determine whether or not a reclassification is required. The Department Manager and employee shall be notified of any proposed changes in classification.

A demoted employee shall receive his/her current salary rate or the maximum assigned to the new position, whichever is lower. A demoted employee shall serve a probationary period of ninety (90) working days.

5.4 RESIGNATION

5.4.1 PROPER NOTICE FOR RESIGNATION

Any employee wishing to leave the Commission service in good standing shall file with his/her Department Manager and the Personnel Director a written notice stating the effective date and the reason for the resignation. An exit interview with the Personnel Director may be conducted at the discretion of the Personnel Director or at the request of the employee. To resign in good standing, the employee shall give notice at least 14 calendar days before leaving, except that Department Heads shall provide at least 30 calendar days notice. Accrued paid time off may not be used during the minimum notice period. The Personnel Director and/or appointing authority may agree to a shorter notice period in unusual circumstances.

5.4.2 RESIGNATION NOT IN GOOD STANDING

At the discretion of the appointing authority, the following may be considered as resignations not in good standing:

- Absence without leave (assuming authorization for such absence is not granted retroactively) (Section 4.6)
- Resignation without proper notice. (Section 5.4.1)
- Resignation while under investigation for disciplinary actions. (Section 9.3)

5.5 DISMISSAL

Regular, non-probationary employees may be dismissed for unsatisfactory performance or misconduct. Probationary, temporary, and emergency employees may be dismissed from Commission service without prior notice and without right to appeal.

5.6 RETIREMENT

Employees may voluntarily retire as set forth in the Public Employee's Retirement Association Law. To retire in good standing an employee must give proper notice as per Section 5.4.1.

5.7 LAYOFF

5.7.1 CRITERIA AND PROCEDURE

Employees may be terminated or permanently laid off from work due to abolishment of their position, lack of funds, shortage of work, or other reason beyond the control of the employee. Decisions to lay off personnel shall be made by the Commission after consultation with the affected Department Manager and the Personnel Director. Employees, including temporary and probationary employees, shall be given advance notice of layoff where reasonably practicable.

In the event that layoffs will lead to or result from a reorganization of duties and functions within a department, the Department Manager shall develop a proposal for the numbers, types, duties and classifications of positions that will allow the department to function as efficiently and effectively as possible. The resulting positions shall be filled by the most qualified non-probationary employees within the department based on job-related factors such as experience, education, and demonstrated ability to perform the new set of duties assigned. Such proposals shall be reviewed by the Personnel Director and discussed with the affected employees prior to presentation to the Commission for approval.

If the Commission determines that layoffs are necessary in particular classifications, employees will be laid off in classification in the following order:

- Casual employees; seasonal employees; and temporary employees
- Part-time employees
- Full-time probationary employees, and

- In the event of further reduction in force employees will be laid off from the affected classification based on a review of their experience, skill, ability, and qualifications to do the work without further training. Where these are relatively equal, the employee(s) with the least seniority will be laid off first.

Employees about to be laid off shall not have the right to bump employees in other positions within the same or another department. However, the Commission, at its discretion, may choose to transfer an employee about to be laid off to another classification previously held by that employee and now filled by a less senior employee.

5.7.2 REINSTATEMENT

The Personnel Department shall maintain a list of regular Commission employees on layoff status. Such employees shall be considered eligible for reinstatement for 12 months following layoff, or for a length of time equal to their length of service with the Commission, whichever is less.

A laid-off regular employee must be considered for noncompetitive appointment to an open position for which the employee is qualified. The employee may be tested as appropriate to determine qualifications. If qualified, the appointment shall be made unless the appointing authority can demonstrate that such action would have significant adverse impacts on departmental operations.

5.8 BENEFITS AT TERMINATION

Upon termination in good standing an employee shall be eligible to receive compensation for accrued, unused paid time off, calculated at his/her current regular rate of pay. Employees may also have certain rights to continue and/or convert insurance coverage provided by the Commission. Specific information may be obtained from the Personnel Department.

Full-time employees who are terminated due to position termination shall receive up to \$2,000.00 of outplacement services subject to General Manager approval. The Commission will continue its contribution toward health and dental insurance benefits not to exceed six months. If the employee obtains other employment during the six-month period and is eligible to receive health and/or dental benefits from that employer, the Utilities' health and/or dental benefit will cease. It is incumbent upon the displaced employee to immediately notify the Personnel Director of his/her employment. Failure to do so will make the terminated employee liable for the funds expended inappropriately by the Commission.

5.9 COMMISSION NOTIFICATION

The Commission shall be notified of proposed changes in an employee's status due to promotion, transfer, demotion, resignation, dismissal, retirement and layoff. Commission approval of such changes shall not be required.

6.0 SALARY ADMINISTRATION

6.1 JOB DESCRIPTIONS AND CLASSIFICATIONS

The Personnel Director shall develop and maintain a Job Classification Plan that assigns all permanent positions covered by these policies to job classes based on responsibility, skill, effort, working conditions and other relevant criteria. Positions substantially similar with respect to duties, responsibilities, authority and character of work shall be assigned to the same class so that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class. The Plan shall include written procedures for allocation of new positions and reallocating existing positions to classes, and procedures for updating and revising the plan. The Plan shall also include the salary ranges assigned to each classification.

6.2 PERFORMANCE EVALUATIONS

All Employees shall be reviewed at least annually by their Supervisor or Department Manager, and may be reviewed more frequently, at the discretion of their Supervisor or Department Manager. Department Managers shall be evaluated by the General Manager. Each annual review shall be completed on a form approved or provided by the Personnel Director. The completed review form shall be discussed with the employee, signed by both parties, and returned to the Personnel Department. The reviews shall be placed in the employee's personnel file and a copy shall be furnished to the employee.

Performance evaluations shall not be appealable. An employee who disagrees with an appraisal may respond in writing. The appraisal and response shall be reviewed by the Personnel Director who may act as a mediator, if it appears the appraisal merits reconsideration. If efforts toward reaching agreement are unsuccessful, no further action may be taken. The employee's response shall be filed with the evaluation.

6.3 SALARY INCREASES

Employees may receive salary increases as a result of adjustments to salary schedules and/or merit step increases. Adjustments to salary schedules are generally made on January 1st and are based on such factors as changes in the cost-of-living, labor markets, recruiting experience, financial condition of the Commission, reclassification studies, etc. Merit increases within a salary range are awarded based on individual employee performance and length of service. Merit increases are not automatic and may be denied based on the evaluation of performance by the Department Manager. Salary increases may also be awarded as a result of promotions or reclassifications to higher job classes. All changes, not previously authorized in salaries require the

approval of the Commission and proper notification from the Personnel Department to the Payroll Department prior to implementation.

6.4 EMPLOYEE INPUT

Prior to the Commission's annual meeting at which new salary schedules are adopted, the General Manager will meet with representatives of various nonunion employee groups to solicit their input into the decision. The discussions may address such factors as changes in the cost-of-living, labor markets, reclassification studies, as well as comment on the overall design of the Commission's Job Classification Plan referred in Section 6.1 of these policies.

6.5 ANNIVERSARY DATES

An employee's annual anniversary date is important for tracking length of service, change dates for rates of accrual of paid time off, and eligibility for merit step salary increases. For full-time employees, the annual anniversary date will be the same as their date of hire (except for possible shifts due to unpaid leaves of absence, layoffs, etc.). For part-time employees, the next anniversary date will occur 2080 working hours (including paid leaves of absence) after the previous anniversary date.

6.6 PAYCHECKS

Paychecks are distributed to employees on Thursdays, at the end of the normal work schedule, unless the employee has made arrangements for direct deposit or mailing of the paycheck.

6.7 TRAVEL TIME

For non-exempt employees, travel time to and from meetings, seminars, conferences, etc. required by the Commission shall be counted as hours worked for purposes of calculating overtime hours. Time spent in attendance at such meetings, etc. shall also be considered time worked. Where the employee is traveling from the employee's home, normal home to work commute time is excluded. Also, time for meals is excluded from paid work time.

6.8 EXPENSE REIMBURSEMENT

The Commission shall reimburse employees for reasonable expenses incurred in the performance of their duties as authorized in the department budgets or on a case-by-case basis. Reimbursement amounts shall be as shown in Appendix A. Employees shall make every effort to find adequate lodging at reasonable expense. Employees may receive advancements on

expenses prior to a trip with Department Manager approval according to verified claim policy. Such advancements shall be supplemented or refunded within one (1) week after the trip based on the above reimbursement schedule. Reimbursement claims are to be submitted within one (1) week of returning from the trip.

6.9 SALARY DEDUCTIONS

Exempt employees receive a salary intended as compensation for all hours worked. An exempt employee's salary is established at the time of hire or when an employee becomes classified as an exempt employee. While an exempt employee's salary is subject to review and modification from time to time, such as during a performance evaluation, the salary is a predetermined amount of compensation that is not subject to deductions for variations in the quality or quantity of work performed or for absences occasioned by or by the operating requirements of the Commission. Subject to the exceptions listed below, an exempt employee must receive his / her full salary for any workweek in which he / she performs any work, regardless of the number of days or hours worked.

Absent contrary state law requirements, deductions from an exempt employee's salary are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act (FMLA). In these circumstances, either partial day or full day deductions may be made.

It is our policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). Therefore, we prohibit all supervisors from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the Commission does not allow deductions that violate the FLSA.

Any exempt employee who believes he / she has been subject to an improper deduction or whose pay does not accurately reflect the hours worked, should immediately report the matter to the Payroll Department. If the Payroll Department is unavailable or if the employee has not received a prompt and

satisfactory response from the Payroll Department, he / she should report the matter to the Personnel Director.

Exempt employees will be reimbursed for any improper deduction. Every report of an improper deduction will be promptly investigated. The Commission will not allow retaliation against any employee who reports an improper deduction or who cooperates in the Commission's investigation of such reports.

7.0 PERSONNEL RECORDS AND DATA PRIVACY

7.1 RESPONSIBILITY FOR RECORDS

The Personnel Director is responsible for assuring compliance with data privacy requirements for personnel data, and shall maintain a personnel file on each employee covered by these policies. All requests for personnel data shall be referred to the Personnel Director.

7.2 TYPES OF DATA

PUBLIC DATA: Data about a person which must be shown to the person, if he/she wishes and which are open to the public.

PRIVATE DATA: Data about a person which must be shown to that person upon request, but are not available to others without his/her permission or as otherwise specifically authorized by law.

PERSONNEL DATA: Refers to data on individuals collected because the individual is or was an employee of, an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with the Commission or is a member of an advisory board or commission.

SUMMARY DATA: Data about a person used to develop statistical records and reports are considered public information, provided they do not identify the person in any way.

7.3 PUBLIC PERSONNEL DATA

The following personnel data are some of the data that are classified as public:

1. name;
2. employee identification number, which must not be the employee's Social Security number;
3. gross salary;
4. salary range;
5. terms and conditions of employment;
6. gross pension;
7. contract fee;
8. the value and nature of employer-paid fringe benefits;
9. the basis for and the amount of any added remuneration, including expense reimbursements;
10. job title and bargaining unit;
11. job description;
12. education and training background;

13. previous work experience;
14. dates of employment (first and last);
15. existence and status of complaints or charges against employee;
16. 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 at the Commission;
17. work location;
18. work telephone number;
19. badge number;
20. work-related continuing education;
21. honors and awards received by the employee; and
22. payroll time sheets, and 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 employees' reasons for the use of sick or other medical leave or other not public data.

Personnel data on applicants: the following personnel data are also classified as public:

1. veteran status;
2. test scores;
3. rank on eligible list;
4. job history;
5. education and training;
6. work availability; and
7. name – considered private data except when certified as eligible for appointment to a vacancy or considered a “finalist” (selected to be interviewed by the Appointing Authority prior to selection).

All employees, including Department Managers, should check with the Personnel Director before releasing any personnel data, including the public data listed above. Amendments to the Minnesota Government Data Practices Act may change the status of data, and thus it is important to check with the Personnel Director to assure that the above list is up to date.

7.4 OTHER PERSONNEL DATA

Personnel data is generally private or confidential with the exception of certain public data such as the examples listed in the preceding section. All requests for access to personnel data should be directed to the Personnel Director who will determine whether the data is public or protected private or confidential data.

No employee may disclose the home address, telephone number, or personal information about another employee to any third party without prior consent of the affected employee and authorization from the Personnel Director.

7.5 GENERAL CONTENTS OF PERSONNEL FILES

The following information shall routinely be included in an employee's Personnel File:

1. Data collected for administration purposes such as job applications, reference letters supplied by the employee, and resumes.
2. Documentation of personnel actions or activities such as salary/wage changes, job classifications, performance reviews, termination notices, disciplinary actions, and commendations.
3. Official written correspondence to an employee.
4. Written correspondence from an employee.
5. Documentation of employment status, authorization for deduction or withholding of pay, fringe benefit information, leave records, and attendance records.

Note: Medical records, medical reports, information pertaining to the use of sick leave or medical leave, and other information revealing an employee's medical condition shall be separately maintained and accessed by the Personnel Director or designee on a need-to-know basis only.

If an employee has been shown his/her personnel file and been informed of the meaning of documents therein, the data need not be shown to the employee for six months thereafter, unless a dispute or legal action is pending or additional data has been entered in the file.

Employees may not be specifically notified each time data are routinely entered into their personnel files. Employees may request to view and receive copies of information in their file. Employees may be charged for the actual costs of making, certifying, and compiling the copies.

8.0 BENEFITS

The benefits described in this section may not be extended to bargaining unit employees unless required by law and/or specifically required by the collective bargaining agreement between the Commission and the bargaining unit. The Commission reserves the right to change the types of benefits, or change insurance carriers, deductibles, premiums, or any other feature of any benefits, including but not limited to eligibility for benefits, at any time, in its sole and complete discretion. Such changes may or may not be applicable to bargaining unit employees.

Appendix A to these Policies shows specific dollars and/or schedules associated with various benefits that may change on a periodic basis. Employees should check with the Personnel Director if they are not sure of the most current version of Appendix A.

8.0.1 BENEFIT ELIGIBILITY

To be eligible for any accrued benefits; i.e., paid time off (PTO), health and welfare, holidays and other paid leave time, the employee must work, receive pay for, or receive workers' compensation wage replacement benefits for sixty-five (65) hours in any one month, except that eligibility for an employee on workers' compensation shall be limited in accordance with the following: An employee on workers' compensation benefits will continue to accrue benefits while the employee is temporarily totally and/or temporarily partially disabled as warranted by the facts and defined by the Minnesota Workers' Compensation Statute. However, benefit eligibility under this Section will be discontinued when any one or more of the following events occur:

1. The employee's disability, as defined by the Minnesota Workers' Compensation Statute, ceases;
2. The employee accepts and begins a job with another employer;
3. In cases of temporary total disability benefits, 90 days after service of maximum medical improvement pursuant to Minn. Stat. Sec. 176.101, subd. 3e;
4. The earlier of the following:
 - a. One calendar year after the employee asserts a claim for permanent total disability benefits as defined by the Minnesota Workers' Compensation Statute or a claim for Social Security Disability Benefits;

- b. One calendar year after a medical practitioner renders an opinion that the employee is permanently precluded from sustained, gainful employment; and/or
 - c. The date the employee is determined eligible for Social Security Disability Income, PERA disability, or the date the employee is adjudicated as or stipulated to be permanently and totally disabled as defined by the Minnesota Workers' Compensation Statute;
- 5. The employee retires;
 - 6. The employee enters into a full, final, and complete settlement of any and all claims the employee has for workers' compensation benefits (with or without a closeout of future medical expenses related to the injury).

8.1 EXPENSE REIMBURSEMENT

8.1.1 RELOCATION AND MOVING EXPENSES

When a position vacancy has been actively advertised outside of the local Commission area in addition to the normal announcement procedure described in Section 2.2.1, the Appointing Authority, subject to approval of the Personnel Director, may authorize reimbursement of travel expenses for interviews. The Commission may authorize reimbursement for all or a portion of relocation and moving expenses for a candidate selected from outside the City of Grand Rapids. The Commission shall determine the types of relocation expenses and the maximum amount allowable on a case by case basis prior to the appointment being made.

8.1.2 EDUCATION AND/OR TRAINING

When the Department Manager mandates attendance at training and/or developmental activities, such activities shall be considered to be work assignments and therefore regular wage rates will apply for time spent on such activities. The employee shall receive advance compensation for tuition and expenses, with the exception of mileage, which will be calculated on an amount per mile basis and reimbursed upon return. With regards to correspondence courses, the employee shall be reimbursed upon completion of such course; such course must be pre-approved by the Personnel Director in order to be eligible for reimbursement.

Requests for financial assistance or PTO to participate in educational courses offered by specialized schools and institutions of higher learning shall be considered by the Commission on a case-by-case basis. Such requests shall be made in writing to the Appointing Authority and be for courses and/or

degree programs that relate to the employee's present job or predicted future job with the Commission.

The Commission provides a tuition reimbursement program for employees to further their careers at the Commission. Employees may select courses of study which directly relate to either their present position or the pursuit of a future position with the Commission. The employee should contact the Personnel Director to obtain the current details of the program, determine eligibility and obtain application forms.

8.2 MEDICAL INSURANCE

8.2.1 GENERAL OVERVIEW

The Commission will provide group hospitalization and medical insurance coverage for eligible current employees, dependents, and retired employees as described in the following section. The Commission will pay all or portions of the premiums and/or make contributions to a Health Savings Account (HSA) as described below, which premiums and/or HSA contributions may be adjusted from time to time by the Commission. The amount of the Commission's current contribution toward premiums and/or HSA is shown in Appendix A.

In cases where the employee shares in the costs and the employee's contribution cannot be fully deducted from payroll, then coverage is contingent on the employee paying his or her share in a timely manner according to instruction provided by the Personnel Director.

Eligibility for any group insurance benefit is determined exclusively by the terms of the insurance policy, which the Commission has procured and which may be revised from time to time. Failure of any insurance carrier to provide any benefit for which it has contracted shall not create any liability on the part of the Commission nor shall such failure be considered a breach of any obligation by the Commission to an employee, nor shall such failure be appealable under these Personnel Policies.

8.2.2 ELIGIBILITY AND PREMIUM CONTRIBUTION

Eligibility and premium contributions for current and retired employees are summarized below. The premium rates and amount of contribution by the Commission and employees may vary from year to year (see Appendix A).

1. Current Full-time Employees – are eligible for single medical insurance coverage on the first day of the policy month after being continuously employed for 30 days. Employees may also elect to purchase medical insurance coverage for their dependents at group rates.

2. Current and Retired Part-time Employees – are not eligible to participate in the Commission’s group insurance program.
3. Retired Full-time Employees – who are not eligible for Medicare may continue to be covered by the Commission’s then-current hospitalization and medical coverage or Medicare supplement for the retired employee and their dependants and retiree life insurance for the retiree only. The premium shall be paid by the retired employee. Upon the employee/retiree reaching age 65, the employee shall pay the full premium for hospitalization and medical coverage or Medicare supplement and life insurance from his/her own funds if the employee desires to continue coverage.

“Retirement” shall be defined as eligible for and receiving PERA retirement annuity benefits as of the termination of employment with the Commission.

4. Dependents of Deceased Retired Employees – excluding spouses who have remarried, are eligible to the extent as mandated by law to participate in the Commission’s group coverage at their own expense.
5. Other Persons – There are a number of persons who are covered by the Commission’s group policy whose eligibility for such coverage may change as a result of
 - i) a change in their status with the covered employee, or
 - ii) a change in status of the covered employee with the Commission.

These include, but are not limited to, terminated employees, survivors of deceased employees, and dependents and ex-spouses of current or terminated employees. Generally, such persons are eligible to continue such coverage at their own expense. The duration of such coverage shall be to the extent mandated by law. Questions concerning eligibility for continuation of coverage should be directed to the Personnel Department.

8.3 OTHER INSURANCE

8.3.1 LIFE INSURANCE

The Commission provides group term life insurance coverage for eligible employees. An employee is eligible for such coverage on the first day of the policy month after being continuously employed for 30 days. Employees may

purchase additional coverage for themselves and/or spouses and dependents. The rates and limits for these options are shown in Appendix A.

8.3.2 DENTAL INSURANCE

The Commission provides group dental insurance for eligible employees. An employee is eligible for such coverage on the first day of the policy month after being continuously employed for 30 days. The premium and employee contribution for single and family coverage are shown in Appendix A.

8.3.3 WORKERS' COMPENSATION

All employees are covered by Workers' Compensation insurance. All employees must immediately report to their supervisors any injuries or occupational illnesses that may be work-related. The supervisors must immediately notify the Personnel or Payroll Department.

8.4 RETIREMENT FUNDS

For employees expected to earn more than the minimum amount specified by statute in a calendar year, both the Commission and the employee are required to pay an amount based on gross wages to Federal Social Security (FICA) and the State Public Employee Retirement Association (PERA). The contributions are shown in Appendix A.

The employee's contributions are automatically withheld from each paycheck. Additional information regarding the retirement programs can be obtained from the appropriate State and Federal offices.

8.5 DEFERRED COMPENSATION

The Commission offers a deferred compensation program to which contributions may be made by payroll deductions. For more information, contact the Personnel Office. See Appendix A for the current matching contribution amount.

8.6 UNEMPLOYMENT COMPENSATION

Employees separated from their jobs with the Commission may be eligible for unemployment compensation, depending on their earnings during the past year, the nature of their work, and the conditions of the separation. For more information, contact the nearest State Job Service Office.

8.7 HOLIDAYS

8.7.1 OFFICIAL HOLIDAYS

Eligible employees shall receive time off with pay at straight time rates for the following holidays:

| | |
|------------------|--------------------------------------|
| New Year's Day | January 1 |
| President's Day | Third Monday in February |
| Good Friday | Friday before Easter Sunday |
| Memorial Day | Last Monday in May |
| Independence Day | July 4 |
| Labor Day | First Monday in September |
| Columbus Day | October 9 |
| Veteran's Day | November 11 |
| Thanksgiving Day | 4 th Thursday in November |
| Christmas Day | December 25 |

When New Year's Day, Independence Day, Columbus Day, Veteran's Day or Christmas Day falls on a Saturday or Sunday, the preceding Friday or following Monday shall be designated as the paid holiday for employees whose normal work week is Monday through Friday.

8.7.2 HOLIDAY ELIGIBILITY AND COMPENSATION

With the exception of part-time employees not regularly scheduled to work each week, and temporary and emergency employees, all other employees shall be eligible for full or pro-rated compensation for designated holidays. The employee must be in a pay status on the scheduled workdays immediately preceding and following a holiday. Holidays which occur within an employee's PTO or EIB period shall not be charged as PTO or EIB time. When a non-exempt, eligible employee is required to work on a designated holiday, the employee shall be paid premium pay in addition to the holiday pay. Paid holiday hours shall count toward the calculation of overtime hours for premium pay, except when the employee has already received premium pay for working on the holiday.

8.8 PAID TIME OFF (PTO) AND EXTENDED ILLNESS BANK (EIB)

The PTO Plan includes the employee's PTO (Paid Time Off) account and the employee's EIB (Extended Illness Bank) account. The PTO account may be used, with Appointing Authority or Supervisor approval, for any authorized absence, such as vacation, illness, injury, medical or dental care, or family emergencies. The EIB account may be used for absences due to a serious illness or injury to the employee, after the second consecutive scheduled work day that the employee is absent.

Benefits under the plan are accrued according to the schedule found in Appendix A.

8.8.1 PTO ELIGIBILITY

Regular full-time and regular part-time employees are eligible to accumulate and use PTO as the PTO is accumulated. Probationary employees shall be credited retroactively with PTO upon successful completion of their probationary period.

In order for any employee to receive PTO leave, there must be current records of accrued leave balances on file with the Personnel Director as per the policy for personnel records described in Chapter 7 of these policies.

8.8.2 USE OF PTO/EIB

(a) Requests for use of PTO/EIB are subject to approval by the Appointing Authority. Requests are expected to be made far enough in advance to provide adequate coverage in the department and to avoid a staffing hardship.

(b) PTO/EIB is paid at the employee's regular straight time rate. PTO/EIB counts as hours worked for purposes of computing overtime. PTO/EIB may not be used in less than one hour increments.

(c) Time for taking vacations must be mutually agreed between the employee and the Appointing Authority. Normally, only one employee per department shall be allowed on vacation at any one time, unless a greater number is authorized by the Appointing Authority.

(d) Short Notice PTO for Illness or Injury: If the employee will be unable to report for work as scheduled because the employee is unable to work due to illness, injury, legal quarantine, or medical or dental treatment for either the employee or the employee's relative, as defined in Paragraph (e)(2) below, necessitating the employee's absence, the employee is responsible to notify the Appointing Authority or designee in advance of the start of the scheduled shift, except that if it is impossible for the employee to give notice before the start of the scheduled shift, then as soon after the start of the scheduled shift as possible. The Commission may require the employee to furnish a report from a physician or other recognized medical authority attesting to the necessity of the Short Notice PTO, along with such additional information as the Appointing Authority deems necessary to verify the illness and the necessity of the absence.

(e) EIB: EIB may be used for absences due to the following:

- 1) Illness or injury to the employee.

- 2) Illness or injury to the employee's minor child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. See also Section 8.10.5 of these policies.

EIB may be used after the second consecutive scheduled work day that the illness or injury has caused the employee to be absent. Once the employee is able to access EIB, the employee may reimburse the PTO they used out of their EIB account. The Commission may require the employee to furnish a report from a physician or other recognized medical authority attesting to the necessity for the absence due to illness or injury of the employee or relative, along with such additional information as the Commission deems necessary to verify the illness, the necessity of the absence, or the employee's fitness to return to duty before the employee is allowed to return to duty.

8.8.3 PTO ACCUMULATION

An employee may accumulate PTO up to a maximum of two hundred forty-eight (248) hours as of the employee's anniversary date. Any unused, accumulated PTO in excess of two hundred forty-eight (248) hours as of the employee's anniversary date shall be forfeited, except as provided in Section **8.8.4** of these policies.

An employee may accumulate EIB up to a maximum of four hundred eighty (480) hours as of the employee's anniversary date.

8.8.4 PTO CONVERSION

An employee who has accumulated more than two hundred forty-eight (248) hours of PTO as of the employee's anniversary date shall have an option to convert accumulated PTO in excess of two hundred forty-eight (248) hours to the employee's EIB account, subject to the maximum EIB accumulation. An employee who has the maximum EIB accumulation as of the employee's anniversary date may convert PTO in excess of two hundred forty-eight (248) hours as a payment to the employee's Post-Employment Health Care Savings Account at the rate of one (1) hour payment for each one (1) hour of PTO accumulation in excess of two hundred forty-eight (248) hours. The conversion option is available only if the employee has used at least eighty (80) (40 hours during the first five years of employment) hours of PTO during the twelve (12) months preceding the anniversary date. The option for conversion is not available for the employee's EIB account.

8.8.5 PTO AND RESIGNATION, RETIREMENT, DEATH OF EMPLOYEE

An employee shall be paid their accumulated, unused PTO account balance in cash at the time of resignation or retirement, contingent upon providing not less than two (2) weeks' advance written notice to the Commission of

resignation or retirement. The two (2) weeks' advance written notice may be waived by the Commission at its discretion. Also, in the event of the death of an employee, the employee's estate shall be entitled to payment of the accumulated, unused PTO (not EIB) account balance.

Upon retirement, death, or being declared permanently, totally disabled, or upon resignation after twenty (20) years of service or more, an employee's EIB account balance shall be paid into a Post-Employment Health Care Savings Plan account pursuant to the Post-Employment Health Care Savings Plan Policy adopted by the Commission.

8.8.6 DONATIONS OF PTO

Employee donations of unused, accumulated PTO to co-workers are authorized under the following conditions and in accordance with the following procedure:

1. Employees having "regular" status with the Commission shall be eligible for PTO donations of up to a maximum of four hundred eighty (480) hours to cover lost time caused by debilitating illness/physical disability, terminal illness, severe non-industrial injury that exceeds two weeks in duration.
2. The employee has exhausted all paid leave benefit accruals down to eighty (80) hours of EIB.
3. PTO donations of up to eighty (80) hours per donating employee each calendar year may be authorized.
4. The donating employee and recipient employee's payroll records shall be adjusted to reflect a transfer of accrued hours, and donated PTO hours shall be converted to the same number of EIB leave hours on the recipient's payroll record.
5. The donated hours shall be utilized at the recipient's rate of pay.
6. Requests for transfer of PTO donations shall be submitted via the Co-Worker Donation of Accrued Vacation Hours Form to the General Manager for approval and processing.

8.8.7 MANDATORY PTO

An employee may be sent home by his/her Department Manager or Supervisor if the employee appears to be unable to effectively perform his/her duties due to personal illness or similar limitation, or if necessary to minimize threat or spread of a contagious disease. Such time off will be treated the same as if the employee initiated the request for PTO.

8.8.8 PTO AND WORKERS' COMPENSATION

An employee who is receiving Workers' Compensation through the Commission's insurance policy may request to use unused, accumulated PTO to make up the difference between the Worker's Compensation payment and the employee's regular net wage. An employee shall not receive PTO when he/she is eligible for Worker's Compensation or other compensation through some other employer.

8.9 OTHER LEAVES WITH PAY

The Commission will not retaliate against any employee for requesting or obtaining any leave of absence for any reason.

8.9.1 CRIME VICTIMS LEAVE

The Commission will permit employees to take a reasonable amount of paid time off to attend criminal proceedings if the employee is a victim or witness who is subpoenaed or requested by the prosecutor to attend court or is a victim of a violent crime or the spouse or immediate family member of a victim of a violent crime. The Commission will also permit employees to take a reasonable amount of paid time off to obtain a restraining order or order for protection or to otherwise attempt to obtain relief from harassment or domestic abuse. The Commission requires 48 hours' advance notice of the need for leave, unless providing such notice is impracticable, and may require verification of the reason for the leave.

8.9.2 JURY OR WITNESS DUTY

In order to receive their regular wages, employees subpoenaed as witnesses in connection with their official duties or called in and selected for jury duty shall turn in to the Payroll Department any per diems received for such duty. If an employee is excused early from jury duty, he/she must return to work promptly. The Commission will not take adverse action against any employee who receives a summons, responds to a summons, attends court for prospective jury service, or serves as a juror.

8.9.3 MILITARY LEAVE

The Commission will provide paid and unpaid military leave to any employee who is called to service in the armed forces in accordance with state and federal law. Leave is available for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, reserve duty, for examinations to determine fitness for any such duty, and for any other leave permitted by state and federal law. An employee's rights with

respect to the substitution of accrued PTO, the continuation of health plan coverage, and the accrual of benefits during military leave, in addition to reinstatement after military leave, will be as defined by state and federal law.

When possible, employees shall submit a written request for such leave, including a copy of the military orders, to their Department Head as far in advance of the leave as possible. The Department Head shall approve the request and forward it to the Personnel Department.

8.9.4 FUNERAL LEAVE

Full-time employees shall be allowed up to three (3) consecutive days per occurrence of paid leave in the event of a death in an employee's immediate family (father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, spouse or step relative (child, mother, father)). One (1) day shall be the day of the funeral.

Full-time employees shall also be allowed one (1) day per occurrence of paid leave in the event of the death of an employee's grandparents, grandchildren, brother-in-law, sister-in-law, or relative of the employee in the employee's immediate household. In the event the funeral is held at a location in excess of 250 miles one way from Grand Rapids, one (1) additional day shall be granted for the purposes of travel, thus bringing the total allowance to two (2) days.

In all cases of funeral leave, the employee must attend the funeral to be eligible for the leave.

8.9.5 BONE MARROW DONATION LEAVE

In accordance with Minnesota law, the Commission will provide paid leave to any employee who works an average of 20 or more hours per week and seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves will not exceed 40 work hours, unless the Commission authorizes additional leave in writing. In order to qualify for leave, the employee must provide the Commission with written verification by a physician of the purpose and length of each leave. If there is a medical determination that the employee does not qualify as a bone marrow donor, any paid leave granted prior to that determination is not forfeited.

8.9.6 ORGAN DONATION LEAVE

In accordance with Minnesota law, the Commission will provide paid leave to any employee who works an average of 20 or more hours per week and seeks to undergo a medical procedure to donate an organ or partial organ. The combined length of the leaves will not exceed 40 work hours for each

donation, unless the Commission authorizes additional leave in writing. In order to qualify for leave, the employee must provide the Commission with written verification by a physician of the purpose and length of each leave. If there is a medical determination that the employee does not qualify as an organ donor, any paid leave granted prior to that determination is not forfeited.

8.9.7 ELECTION JUDGE LEAVE

In accordance with Minnesota law, the Commission will provide paid leave to any employee who is selected to serve as an election judge pursuant to Minnesota Statute § 204B.21. Although the leave is paid, the Commission will reduce the wages of any employee serving as an election judge by the amount paid to the employee by the appointing authority during the time the employee was absent from work. In order to qualify for leave, an employee must provide the Commission with at least 20 days' advance written notice of the need for leave and a certification from the appointing authority stating the hourly compensation to be paid to the employee for his or her service and the hours during which the employee will serve.

8.9.8 VOTING LEAVE

In accordance with Minnesota law, the Commission will provide paid leave to any employee who is eligible to vote for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of a regularly scheduled state primary or general election, an election to fill a vacancy in the office of United States senator or United States representative, or an election to fill a vacancy in the office of state senator or state representative.

8.10 LEAVE WITHOUT PAY

The Commission will not retaliate against any employee for requesting or obtaining any leave of absence for any reason.

8.10.1 TYPES OF LEAVE WITHOUT PAY

Leaves without pay may be granted for leaves granted under the Family and Medical Leave Act, parental leave, extended military service, extended medical leave, and personal leave.

8.10.2 FAMILY AND MEDICAL LEAVE POLICY

8.10.2.1 BASIC LEAVE ENTITLEMENT

The Commission will provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

From the 12-week maximum, any FMLA leave which the employee has taken during the 12 months preceding commencement of the leave will be subtracted to determine the maximum amount of leave for which the employee is eligible.

8.10.2.2 MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

8.10.2.3 BENEFITS AND PROTECTIONS

During FMLA leave, the Commission must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

8.10.2.4 ELIGIBILITY REQUIREMENTS

Employees are eligible if they have worked for the Commission for at least 12 months and for 1,250 hours over the previous 12 months.

8.10.2.5 DEFINITION OF SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

8.10.2.6 USE OF LEAVE

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Commission's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

8.10.2.7 SUBSTITUTION OF PAID LEAVE FOR UNPAID LEAVE

Employees must use accrued paid leave while taking FMLA leave. The paid leave and the FMLA leave run concurrently. In order to use paid leave for

FMLA leave, employees must comply with the Commission's normal paid leave policies.

8.10.2.8 EMPLOYEE RESPONSIBILITIES

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Commission's normal call-in procedures.

Employees must provide sufficient information for the Commission to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Commission if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also must provide a certification and periodic recertification supporting the need for leave.

8.10.2.9 COMMISSION RESPONSIBILITIES

The Commission must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the Commission must provide a reason for the ineligibility.

The Commission must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the Commission determines that the leave is not FMLA-protected, the Commission must notify the employee.

8.10.2.10 UNLAWFUL ACTS BY EMPLOYERS

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

8.10.2.11 ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the Commission.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

8.10.3 PREGNANCY AND PARENTING LEAVE

In accordance with Minnesota law, the Commission will provide up to a maximum of 12 weeks of unpaid leave to any employee who has been employed by the Commission at least one-half time during the 12-month period immediately preceding the leave for: (1) a biological or adoptive parent in conjunction with the birth or adoption of a child; or (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee, but must not exceed 12 weeks, unless agreed to by the Commission.

The leave shall begin at a time requested by the employee. However, for leave taken for a birth or adoption, the leave must begin within 12 months of the birth or adoption (unless the child must remain in the hospital longer than the mother, in which case the leave must begin within 12 months after the child leaves the hospital).

The employee must provide the Commission with reasonable notice of the date the leave will commence and the estimated duration of the leave.

The 12 weeks of leave may be reduced by: (1) any period of available disability, PTO, or EIB; or (2) any period of FMLA leave taken for the same reason. In most circumstances, the employee is entitled to a total of 12 weeks of pregnancy and parenting leave, unless the Commission agrees to provide additional leave. The Commission will continue to make insurance coverage available to the employee and the employee's dependents (if any) during the leave, although the employee must pay 100% of the premium.

An employee returning from pregnancy and parenting leave shall be entitled to return to employment in the employee's former position or in a position of comparable duties, number of hours, and pay. An employee returning from a leave of absence longer than one (1) month must notify a supervisor at least two (2) weeks prior to return from leave.

If, during the leave, the Commission experiences a layoff and the employee would have lost his/her position had the employee not been on leave, pursuant to the good faith operation of a bona fide layoff and recall system,

including a system under a collective bargaining agreement, the employee is not entitled to reinstatement in the former or comparable position. In such circumstances, the employee retains all rights under the layoff and recall system, including a system under a collective bargaining agreement, as if the employee had not taken the leave.

An employee returning from leave shall return to work at the same rate of pay the employee had been receiving when the leave commenced, plus any automatic adjustments in the employee's pay scale that occurred during the leave period. The employee returning from a leave shall retain all accrued pre-leave benefits of employment and seniority, as if there had been no interruption in service.

Any leave taken under this Section shall run concurrently with any leave taken under the Family and Medical Leave Act.

8.10.4 SCHOOL CONFERENCES AND SCHOOL-RELATED ACTIVITIES LEAVE

In accordance with Minnesota law, the Commission will provide up to a maximum of 16 hours of unpaid leave during any 12-month period to any employee who is employed by the Commission at least one-half time during the 12-month period immediately preceding the leave for the purpose of attending the school conferences or school-related activities of his or her child (including a foster child), if such conferences or activities cannot be scheduled during non-working hours. If an employee's child receives child care services or attends a prekindergarten regular or special education program, the employee may also use this leave to attend a conference or activity related to the child, or to observe and monitor the services or program, if such conference, activity, or observation cannot be scheduled during non-working hours. Although the leave is unpaid, an employee may substitute any accrued PTO for any part of the leave. When the need for leave is foreseeable, an employee must give his or her manager reasonable advance notice of the need for leave and must make a reasonable effort to schedule the leave so as not to unduly disrupt the Commission's operations.

8.10.5 SICK OR INJURED RELATIVE LEAVE

In accordance with Minnesota law, the Commission will permit any employee who has been employed by the Commission at least one-half time during the 12-month period immediately preceding the leave to use his or her personal sick leave benefits for the purpose of caring for a child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent who is suffering from an illness or injury on the same terms that the employee could use the sick leave for his or her own illness or injury.

“Personal sick leave benefits” means time accrued and available to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability. “Child” includes a stepchild and a biological, adopted, and foster child. “Minor child” includes a “child” under 18 years of age or an individual under age 20 who is still attending secondary school. “Grandchild” includes a step-grandchild and a biological, adopted, and foster grandchild.

An employee may use sick leave for safety leave for reasonable periods of time. “Safety leave” is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking. Safety leave may be used for assistance to the employee or to the relatives listed above.

An employee may not take more than 160 hours of leave in any 12-month period for any reason listed above other than the illness or injury of a minor child.

8.10.6 CIVIL AIR PATROL SERVICE LEAVE

In accordance with Minnesota law, the Commission will provide unpaid leave to any employee who works an average of 20 or more hours per week to render service as a member of the civil air patrol on the request and under the authority of the state or any of its political subdivisions, so long as the leave will not unduly disrupt the operations of the Commission.

8.10.7 MILITARY CEREMONIES LEAVE

In accordance with Minnesota law, the Commission will provide up to a maximum of 1 day of unpaid leave each calendar year to any employee whose immediate family member, as a member of the United States armed forces, has been ordered into active service in support of war or other national emergency for the purpose of attending a send-off or homecoming ceremony for that family member, so long as the leave will not unduly disrupt the operations of the Commission. “Immediate family member” means an employee’s parent, legal guardian, child, grandparent, grandchild, sibling, spouse, or fiancée.

8.10.8 MILITARY FAMILIES LEAVE

In accordance with Minnesota law, the Commission will provide up to a maximum of 10 working days of unpaid leave to any employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service. “Immediate family member” means an employee’s parent, child, grandparent, sibling, or spouse. An employee must give his or her manager as much notice of the need for

leave as practicable. Although the leave is unpaid, an employee may substitute any accrued paid leave for any part of the leave.

8.10.9 EXTENDED MEDICAL LEAVE

In case of (1) an extended illness, after an employee has used all accumulated PTO/EIB and any Family and Medical Leave Act leave for which the employee is eligible, or (2) in case of the birth or placement of a child after the employee has used all accumulated PTO/EIB, pregnancy and parenting leave and Family and Medical Leave Act leave for which the employee is eligible, he/she shall be granted a leave of absence without pay without having his/her name removed from the payroll, for up to a maximum of three (3) months, provided such absence does not interfere with the orderly operation of the Commission and is otherwise approved by the Commission. After each three (3) month interval the Commission shall review the case and determine whether any further leave shall be granted. The total amount of leave shall not exceed twenty-four (24) months. The leave shall be subject to a doctor's report for each three (3) month period.

8.10.10 PERSONAL LEAVE

A leave of absence of up to three (3) months maximum for personal reasons excluding other employment may be granted to any employee requesting same from the Commission, provided such absence does not interfere with the orderly operation of the Commission and is otherwise approved by the Commission. Additional time off, if necessary, may be requested at the end of said three (3) months' leave. The granting of such request is subject to Commission approval.

8.11 PROFESSIONAL ORGANIZATIONS

Employees may request annually that the Commission pay for membership in certain professional organizations relevant to an employee's work responsibilities.

Employees may also request that the Commission pay their expenses to attend occasional workshops and meetings of such organizations. The employee shall submit a brief written report to the Commission following each workshop.

Employees shall not participate in any lobby efforts at Commission expense without the full knowledge and consent of the Commission.

9.0 EMPLOYEE CONDUCT

9.1 RESPECTFUL WORKPLACE POLICY

It is the policy of the Commission to maintain a respectful work environment free from violence, discrimination, and other offensive or degrading remarks or conduct. The Commission will not tolerate any such behavior by or towards any employee. Preserving a respectful environment in which to work is a shared responsibility of both management and employees.

Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action which may include discharge from employment.

Categories of Disrespectful Behavior

Violent Behavior includes the use of physical force, threats of physical force, harassment or intimidation, or abuse of power or authority when the impact is to control an employee by causing pain, fear or hurt. Also includes the use of or threats of the use of weapons.

Violence may include, but is not limited to, the following conduct:

1. Hitting or shoving an individual;
2. Threatening to harm an individual or his/her family, friends, associates or their property;
3. Making harassing or threatening telephone calls, letters or other forms of written or electronic communication;
4. Harassing surveillance, also known as "stalking," and following of another person with the intent to place the other person in reasonable fear of his/her safety;
5. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Commission property.

Discriminatory Behavior includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, sex, marital status, familial status, age, sexual orientation, status with regard to public assistance, membership or activity in a local commission, genetic information, or any other classification protected under local, state, or federal law. Also includes discrimination or harassment based on opposition to discrimination or participation in complaint proceedings.

Offensive Behavior includes such work-related actions as rudeness, exclusionary behavior, angry outbursts, inappropriate joking, vulgar obscenities, name-calling, disrespectful language, bullying or the intentional filing of an unfounded complaint under this policy.

Behavior prohibited by this policy also includes requests to engage in illegal, immoral or unethical conduct or retaliation for making of a complaint under this policy.

Sexual Harassment

The Commission is committed to maintaining a work environment free from sexual harassment. Sexual harassment is one specific kind of discriminatory and offensive behavior.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or any other verbal or physical conduct or communication of a sexual nature, where:

1. Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of employment;
2. Submission to or rejection of the conduct or communication is used as a factor in making employment decisions affecting an individual's employment (hiring, promotions, termination, etc.); or
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creates an intimidating, hostile or offensive work environment.

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

1. Unwelcome or offensive sexual remarks or innuendo;
2. Unwelcome or offensive sexual or sexist jokes;
3. Subtle pressure for sexual activity or coercion to date;
4. Offensive remarks about a person's body or their private life;
5. Degrading remarks, posters, graffiti, or other objects in the work place that contribute to an intimidating work environment;
6. Demanding sexual favors accompanied by implied or overt threats concerning pay or other aspects of employment;
7. Sexually suggestive facial expressions or body language;
8. Kissing, sexual conduct or unnecessary touching.

Reporting/Investigation

Any employee who believes that he/she has been subjected to a violation of this respectful workplace policy or any employee who believes that he or she has witnessed another employee being subjected to a violation of this policy, must report the violation immediately to the employee's Department Manager. If the employee is not comfortable (for whatever reason) reporting to his/her Department Manager, if the employee's Department Manager is the source of or a party to the alleged violation, or if the employee's Department Manager does not respond to the report in a timely and appropriate manner, the employee must contact the General Manager or the President of the Commission. A Commission representative will investigate the report promptly and will respond to the reporting employee regarding the results of the investigation. The investigation will be kept as confidential as possible.

Any employee who retaliates against or intimidates a person for making a complaint under this policy or for participating in an investigation under this policy will be subject to disciplinary action, including discharge. Any employee who violates this policy will be subject to disciplinary action, including discharge.

9.1.1 PROHIBITION OF FIREARMS

All employees are prohibited from using, carrying, or possessing firearms while acting in the course and scope of employment for the Commission. The use, possession, or carrying of a firearm by employees is prohibited while working on the property of Commission or working at any location on behalf of the Commission. This prohibition includes but is not limited to:

1. Driving on Commission business;
2. Riding as a passenger in a car, truck or any type of mass transit on Commission business;
3. Working at a Commission-owned worksite;
4. Working off-site on behalf of the Commission;
5. Performing emergency or on-call work after normal business hours and on weekends;
6. Working at private residences, businesses and other City locations on behalf of the Commission; and
7. Attending training or conferences on behalf of the Commission.

Using, carrying, or possessing a firearm in violation of this policy constitutes violent behavior and will subject the employee to disciplinary action.

Commission employees who have a valid carry weapons permit and possess a firearm while in a Commission-owned parking area are requested to keep

the firearm in a locked trunk of the employee's vehicle or, if the vehicle does not have a trunk, in a locked glove compartment of the employee's vehicle.

9.2 POLICY ON ALCOHOL AND ILLEGAL DRUGS

The Commission is committed to maintaining a work environment which is free from the influence of alcohol and/or illegal drugs to protect the health, safety and well being of our employees, visitors and customers. "Illegal drugs" means controlled substances, and includes prescription medications that contain a controlled substance and that are used for a purpose or by a person for which they were not prescribed or intended.

The Commission prohibits the use, possession, transfer, and sale of alcohol and/or illegal drugs while working, while on premises owned or operated by the Commission, while operating or in any vehicle, machinery or equipment of the Commission, and while at a customer location where the Commission work is being performed. The Commission also prohibits reporting for work, and working anywhere on behalf of the Commission under the influence of alcohol and/or illegal drugs.

Violation of this policy will result in discipline, up to and including discharge.

Employees are encouraged to voluntarily disclose to management that they are in possession of or under the influence of alcohol or illegal drugs before being confronted, tested, or otherwise involved in drug or alcohol related discipline or proceedings. Employees who make such a voluntary disclosure will not be discriminated against because of this disclosure, nor will the information which is disclosed be used as the sole basis for discipline.

As part of their position duties, employees required to hold a commercial drivers license (CDL) will be subject to the Grand Rapids Public Utilities Discipline Guideline as it pertains to Federal DOT Regulations.

9.3 CAUSE FOR CORRECTIVE AND/OR DISCIPLINARY ACTION

Commission employees shall be subject to corrective and/or disciplinary action for poor, inefficient or unsatisfactory performance or misconduct.

It shall be the policy of the Commission to administer such action without discrimination of any kind. An employee has the right to review through the grievance procedure any suspension, demotion, or discharge which he/she believes is unjust. The Department Manager shall investigate all allegations before disciplinary action is taken.

Some examples of reasons for a corrective and/or disciplinary action include, but are not necessarily limited to, each of the following kinds of conduct:

1. Incompetence or inefficiency in the performance of duties.
2. Carelessness or negligence in the performance of duties.
3. Violation of the Commission's Respectful Workplace Policy, Policy on Alcohol and Illegal Drugs, or any other policy or provision in these Personnel Policies.
4. Excessive tardiness in reporting for scheduled working hours.
5. Absence from a scheduled work assignment during working hours without permission from an authorized Supervisor or Department Manager.
6. Conduct or performance on the job which demonstrates insubordination, which is defined as a refusal to follow appropriate written or oral procedures, instructions, or directions from a Supervisor, Department Manager, or General Manager.
7. The willful violation of any departmental or Commission rule or regulation.
8. The willful violation of Commission procedures for collection, use or release of protected data.
9. Gross negligence or willful conduct causing damage to Commission property.
10. Theft of public property, pilferage or other unauthorized taking of public property.
11. The solicitation or acceptance of money or anything of value that could be construed to influence the decisions of an employee in public matters or as a reward for such decisions, including gifts or items of value from clients, vendors, or suppliers.
12. Using, threatening to use, or attempting to use political influence or attempting to exert unethical pressure on any Commission employee or officer in securing promotion, transfer, leave of absence, increased compensation, or other favors.
13. Conviction of a felony, gross misdemeanor, or misdemeanor involving moral turpitude causing reasonable doubt regarding

the employee's ability to properly and/or effectively perform his/her job.

14. Acting in a manner that tends to lower discipline or morale within the Commission or that adversely affects the rendering of prompt, courteous and efficient service by the Commission and its employees to the public.
15. Providing false information for use in making personnel decisions.

9.4 OFFICE COVERAGE

Department Managers and employees are responsible to assure that those offices serving the public shall remain open for public business through employee rest breaks and lunch periods.

9.5 OUTSIDE EMPLOYMENT

Employees shall not engage in outside employment for private gain, which constitutes a conflict of interest with public duties or is inconsistent or incompatible with public employment. In making such determinations, the following prohibitions shall be considered:

1. The use for private gain or advantage of Commission time, facilities, equipment and supplies, prestige or influence of Commission employment.
2. Receipt or acceptance by the employee of any money or other consideration from anyone other than the Commission for the performance of an act which the employee would be required or expected to perform in the regular course of his/her Commission employment or as a part of his/her duties as an employee.
3. The performance of an act in other than his/her capacity as an employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee for the department by which he/she is employed.

9.6 PERSONAL APPEARANCE

Dress codes may be established for employees as part of departmental rules. An employee's personal appearance and cleanliness should not distract from the ability and willingness of other employees and the public to work with him\her. Personal appearance should be appropriate to the nature of the

work and contacts with other people, and should instill public confidence in the employee and in the Commission.

9.7 SOLICITING, DISTRIBUTION

Solicitation by one employee of another is prohibited while either employee is on work time. Distributing literature during work time or in work areas at any time is also prohibited. Soliciting or distributing literature by anyone who is not an employee of the Commission is prohibited at all times on Commission premises. These guidelines also apply to solicitation by electronic means.

“Solicitation” means verbal communication requesting or urging support of (whether financial or otherwise) or opposition to something. “Distribution” means the passing out of written materials or the placing of such materials in places where they can be picked up by employees. “Work time” means the time during which the employee (whether engaged in the solicitation and/or distribution, or to whom the solicitation and/or distribution is being directed) is on duty. “Work time” does not include lunch breaks, rest breaks, periods just before and after the work shift, or any other periods in which employees are not on duty. “Work areas” are all areas on the Commission’s premises and at on-site locations, except employee break rooms.

Nothing in this policy prohibits employees from discussing the terms and conditions of employment.

9.8 TELEPHONE USE

Commission telephones are to be used for Commission business. Personal calls are to be kept at a minimum and should be made on an employee’s personal time. Employees shall discourage friends and family members from making personal calls to employees at the Commission’s offices during work hours. Personal long distance calls shall not be billed to the Commission. Genuine emergency calls may be made or received.

9.9 PROGRESSIVE DISCIPLINE

Disciplinary actions should be progressive in their applications, unless the offense is serious and warrants strong corrective action. Progressive discipline attempts to improve employee performance or conduct by assigning a disciplinary action appropriate to the offense. If, after the initial disciplinary action, employee performance or conduct has not improved, disciplinary action of greater severity is administered. This is a “corrective” approach, not a “punitive” approach to discipline problems.

9.9.1 VERBAL REPRIMAND

A verbal reprimand is usually an informal discussion with the employee of a relatively minor offense. A verbal reprimand should be documented in writing, conspicuously noted as a verbal reprimand, and placed in the employee's personnel file.

9.9.2 WRITTEN REPRIMAND

A written reprimand is a formal statement to the employee which describes the offense, refers to any previous verbal or written reprimands, states desired goals or outcomes of this action, and outlines subsequent disciplinary action should the problem continue. The original statement is to be signed by the employee and included in the employee's personnel file. The employee shall receive a copy of the statement. An employee may submit a written response to be entered into his/her file.

9.9.3 SUSPENSION

A suspension is an involuntary absence from duty with or without pay at the discretion of the Department Manager. Prior to suspension the employee is to receive a written statement indicating the reasons for the suspension, the length of the suspension, and an outline of further disciplinary action should the problem continue. The original statement shall be signed by the employee and included in the employee's personnel file, and the employee shall receive a copy of the statement. The employee shall also have an opportunity to meet with his/her Department Head and/or the Personnel Director to hear and respond to the charges. The employee's position shall be held open pending the employee's return to work.

9.9.4 DISMISSAL

Dismissal refers to the complete separation of the employee from Commission service. When it has been determined that the employee is to be dismissed, the employee shall receive a written notice five (5) days before the effective date of dismissal. The notice shall state the reasons for dismissal, the employee's rights as established by Commission personnel policy, including the right to meet with the Department Manager and/or Personnel Director, and, if the employee is a veteran, special rights as outlined by the Veteran's Preference Laws. The employee (if he/she is not a veteran) shall be suspended without pay during the five (5) day notice period. He/she shall have an opportunity to meet with the Department Manager and/or Personnel Director to hear and respond to the reasons for the dismissal.

9.9.5 DEMOTION

It may be necessary, in the judgment of the Department Manager, to transfer the employee to a different position in a lower class or to delete or transfer some of the employee's duties resulting in a reclassification of that position to a lower class and a possible salary adjustment as per Section 5.3.

9.10 DISCIPLINARY PROCEDURES

Several offenses committed by an employee need not be treated as separate counts, and more severe disciplinary action may be administered than if only one offense had been committed. Although one disciplinary action may be imposed for several offenses, each offense shall be discussed with the employee and documented for the employee's personnel file. Documentation shall be signed by the employee to acknowledge its existence prior to including it in the employee's personnel file. If the employee refuses to sign it, it should be witnessed by another person and noted on the documentation and filed.

Employees shall have the right to appeal suspensions, demotions and discharges in accordance with the procedures described in Section 10 of these policies. Verbal and written reprimands shall not be appealable.

10.0 RESOLUTION OF COMPLAINTS AND GRIEVANCES

10.1 POLICY STATEMENT

It is the policy of the Commission to provide employees a means of communicating disagreements or disputes involving the interpretation or application of the personnel policies and procedures approved by the Commission. These procedures ensure employees access to all levels of management, an opportunity to be heard, and expedient objective resolutions to problems.

10.2 GRIEVANCES DEFINED

A grievance is a dispute or disagreement raised by an employee or group of employees against the Commission and/or a Department Manager because of an interpretation or alleged violation of these personnel policies and procedures or Commission work rules.

Grievances are related to actions taken by Supervisors, Department Managers, and the Personnel Director and shall not include the following:

- investigations into disciplinary issues, prior to action;
- assignment of positions to job classes;
- salary adjustments made in accordance with these policies;
- performance evaluations or verbal or written reprimands;
- actions discussed or proposed, but not taken;
- these policies themselves, or changes to these policies made by the Commission;
- termination of probationary or temporary employees; and
- extension of probationary periods of evaluations up to a maximum of 12 calendar months.

10.3 LIMITATIONS

An employee grievance that is based on provisions covered in a collective bargaining agreement shall be resolved as per the procedures defined in that agreement.

It is not the intention of the Commission by establishing the grievance policy herein to thereby grant an aggrieved employee a second opportunity to litigate an issue, which has already been litigated in any other administrative or judicial proceeding.

10.4 PROCEDURES

It shall be the policy of the Commission to adjust all grievances promptly. In order to facilitate the processing of employee grievances in an orderly and just manner and to provide the employee access to all levels of management and an opportunity to be heard, the following procedures are to be used:

10.4.1 STEP I

An employee having a grievance shall present verbally or in writing such grievance to his/her immediate Supervisor within five (5) working days after awareness of the event causing the grievance.

The employee may be accompanied by representation of his/her choice. It shall be the responsibility of the Supervisor to investigate the grievance, discuss the grievance with the employee and give an oral answer to the employee within five (5) working days from the time the grievance was initially presented. In instances where the organizational structure does not provide a level of supervision between the Department Manager and the employee, the grievance shall be presented directly to the Department Manager and the grievance process shall commence at Step II.

10.4.2 STEP II

A grievance, not resolved in Step I, may be appealed to Step II. The grievance shall be set forth in writing, stating the nature of the grievance, the facts on which it is based, the provision(s) of these Policies or the Commission work rules allegedly violated, and the remedy requested. The Step II grievance shall be presented to the Department Manager within five (5) working days from the time of the supervisor's response. The Department Manager shall investigate the grievance and give his/her written answer to the employee within five (5) working days following the receipt of the written grievance.

10.4.3 STEP III

A grievance not resolved in Step II may be appealed in writing to Step III. The Step III grievance shall be presented to the Personnel Director within five (5) working days from the time of the Department Manager's response in writing. The Personnel Director or a designated representative shall make, or

cause to have made, an investigation of the complaint and alleged violation of these Policies.

The decision of the Personnel Director shall be in writing within five (5) working days following receipt of the appealed grievance.

10.4.4 STEP IV

A grievance not resolved in Step III may be appealed in writing to Step IV by non-probationary employees. The Step IV grievance shall be filed with the Personnel Director within (5) working days following the written Step III response. The Personnel Director shall immediately schedule a grievance hearing before the Commission, a committee of the Commission or an independent fact finder appointed by the Commission which is at least seven (7) working days after receipt of the appealed grievance. At their next regular meeting following the grievance hearing the Commission, by resolution, shall make its decision. Such decision shall be final.

10.5 CONDUCT OF THE COMMISSION HEARING

The President of the Commission shall preside over the hearing or, at the option of the Commission, the chair of a committee of the Commission or an independent fact finder may be appointed to preside over the hearing and make findings of fact and recommendations for disposition of the appeal. The parties may rely on other counsel to present their respective cases, and both parties may call witnesses to testify at the hearing. Testimony may be tape recorded and preserved at least until the time for further appeal has expired. Both parties may cross-examine witnesses. The Commission, on its own motion, may investigate the circumstances surrounding a complaint in any department for the purpose of resolving the grievance. The Commission shall provide a written summary within 10 working days of the basis of its decision.

10.6 EMPLOYEE PROTECTION

The grievant and his/her counsel, if also a Commission employee, may attend the Step I through Step IV meetings of the grievance process during their regularly scheduled hours at their regular rate of pay. Such time spent shall be kept within reasonable limits, shall follow the orderly procedures established, and shall be with the full knowledge of the Supervisor and Department Manager.

No employee shall be subject to harassment, reduction of employee status or loss of advancement opportunities as a result of participating in a grievance procedure or testifying in a grievance proceeding.

10.7 TIME LIMITS

If the grievance is not presented within the time periods set forth above, it shall be considered waived. If a grievance is not appealed to the next step within the specified time limit, it shall be considered settled on the basis of the last answer. If the proper authority does not answer a grievance or appeal thereof within the specific time limits the employee shall treat the grievance as denied and may immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the employee and authority involved in that step. Such extensions should be documented in writing.

11.0 MISCELLANEOUS POLICIES AND SERVICES

11.1 COMMISSION VEHICLES

The Commission has available a vehicle for use by Commission staff for Commission business, which can be checked out by contacting the General Manager. All persons using the Commission vehicle must provide to the General Manager a copy of the information contained on their driver's license.

The Commission may establish standards regarding an employee's driving record, and the failure to meet said standards may result in the employee being restricted from use of Commission vehicles.

No persons other than Commission employees or persons involved with Commission business are allowed to ride in the Commission vehicle, except spouses may accompany employees on out of town trips with the permission of the Department Manager. Personal use of the Commission vehicle during out of town trips is discouraged and must be kept to a minimum.

In the event of breakdown, the user should make arrangements for emergency service as necessary, or call the General Manager for instructions.

The user should clean trash and excessive dirt out of the Commission vehicle and report operating problems to the General Manager via written work request.

No employees are allowed to carry guns or other weapons in Commission vehicles.

11.1.1 USE OF SEAT BELTS

Seat belts in any vehicle shall be used at all times by the driver and all passengers.

11.2 COMMISSION PROPERTY

Employees are expected to exercise due care in the use of Commission property and to utilize such property only for authorized purposes. Negligence in the care or use of Commission property may be considered cause for suspension and/or dismissal. Unauthorized removal of Commission property from the premises or its conversion to personal use will be considered cause for suspension and/or dismissal.

Commission property issued to an employee must be returned to the company at the time he/she terminates employment or when it is requested by the Department Manager or designated Supervisor.

The Commission assumes no responsibility for loss or damage to the personal property of an employee.

11.3 CLEAN AIR

The Commission prohibits smoking in the workplace.

For purposes of this policy, "smoking" includes inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. "Smoking" also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation. "Smoking" also includes using any product that simulates traditional smoking through the inhalation of vapor.

For purposes of this policy, "workplace" includes all indoor areas on Commission premises, including but not limited to office areas, cafeterias, break rooms, restrooms, elevators, and hallways. "Workplace" includes all buildings owned and operated by the Commission. These buildings include:

- Water Treatment Facility;
- Well Houses;
- Industrial Wastewater Treatment Facilities;
- Pumping Station and Screen House;
- Secondary Wastewater Treatment Facilities;
- Domestic Wastewater Treatment Facilities;
- Sewage Lift Station Buildings;
- Service Center and Warehouse Facilities;
- Distribution Substation Buildings; and
- Distribution Substation Enclosures.

"Workplace" also includes vehicles used in whole or in part for work purposes during work hours, if more than one employee is in the vehicle. "Workplace" does not include private vehicles or certain commercial motor vehicles.

Any employee who violates this policy will be subject to discipline, up to and including termination of employment.

The Commission will not retaliate or take adverse action against an employee or anyone else who, in good faith, reports a violation of this policy and/or the Freedom to Breathe Act of 2007 ("Act").

The Commission will not discharge, refuse to hire, penalize, discriminate against, or in any manner retaliate against any applicant or employee because the applicant or employee exercises his or her right to a smoke-free workplace under this policy and/or the Act.

11.4 COPY MACHINES

Non-employees may not use the machines without supervision by an employee, and shall be charged as per the rates posted near the machines for copies of material not related to Commission business. At the discretion of each Department Manager, public requests for large numbers of copies of Commission documents may be charged at the current rate charged to departments for internal use. Personal use of copy machines by employees is acceptable for very limited amounts and shall be charged at the current internal rate.

11.5 EMPLOYEE BREAKROOMS

Break rooms are provided for the convenience and comfort of employees to use during their scheduled break periods. Employees are responsible for cleaning up their own mess, including table tops, counters, cabinets, sinks, appliances, and utensils.

11.6 POLITICAL ACTIVITIES

Every employee shall have the right to freely express his/her views as a citizen and to cast his/her vote.

11.7 SAFETY EQUIPMENT

Department Managers shall determine the need for safety equipment including safety eyewear, safety shoes, hardhats, gloves, etc.

Failure of employees to use required safety equipment will result in disciplinary action.

11.8 VISITORS

If an employee meets with visitors at the Commission offices while he/she is on break or otherwise off duty, they shall move away from the work area to an appropriate area where they will not interfere with or distract other employees or members of the public. Employees shall discourage friends and family members from visiting them at the Commission offices while the employee is on duty.

11.9 DISTRACTED DRIVING

When driving on Commission business, employees may not use cell phones (including hands free) or any other mobile electronic devices while operating the vehicle. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, reading or responding to e-mails and text messages, adjusting a Global Positioning System (GPS), and accessing the Internet. Text messaging is illegal in the State of Minnesota while driving. This policy does not pertain to Commission-issued handheld and mobile radios.

Furthermore, employees are required to:

- Consider turning off, putting on silent or vibrate wireless phones or other devices before starting the vehicle.
- Pull over to a safe place and put the vehicle in “park” if a call must be made or received while on the road.
- Consider modifying your voice mail greeting to indicate that you are unavailable to answer calls or return messages while driving.
- Inform clients, associates and business partners of this policy as an explanation of why calls may not be returned immediately.
- Pull over to a safe place and put the vehicle in “park” to make adjustments to GPS or other navigation devices.

12.0 COMMISSION INFORMATION SYSTEMS POLICY

12.1 PURPOSE

The purpose of this policy is to assist the Commission in protecting its computer system security and assets and to provide guidance regarding the proper use of the computer system.

12.2 DEFINITIONS

The following definitions apply to this policy:

Computer system refers to the Commission's entire computer network. This includes, but is not limited to, host computers, file servers, application servers, communication servers, mail servers, fax servers, Web servers, GIS and mapping servers, workstations, stand-alone computers, laptops, jump drives, software, data files, and all internal and external computer and communications networks (for example, Internet or e-mail systems) that may be accessed directly or indirectly from the Commission computer network.

Users refer to all employees, independent contractors, consultants, temporary workers, and other persons or entities that use the Commission computer system.

12.3 INTRODUCTION

This policy addresses access and use of the computer system. It also addresses the procedures required for disclosure of computer files, created or received, or electronic mail messages, sent or received, with the use of the computer system.

Failure to comply with this policy, including failure to report known violations of the policy, will be cause for disciplinary action in accordance with the Commission's disciplinary policies, or with regard to independent contractors and consultants, shall be deemed to be a breach of any written or unwritten contract with the Commission.

12.4 GENERAL

12.4.1 USE

The computer system is the property of the Commission. Users are allowed access to the system to assist them in the performance of their jobs. The system must be used primarily for work-related purposes. Limited personal use during lunch breaks, rest breaks, or other non-work

time is acceptable. However, such use must not interfere with the performance of work duties and must be consistent with the Respectful Workplace Policy. The system is not to be used for employee personal gain. Use of the computer system is a privilege that may be revoked at any time.

12.4.2 PRIVACY

All data and electronic messages within the computer system are the property of the Commission. **Users should not have an expectation of privacy in anything they view, create, store, send, or receive using the computer system, except to the extent mandated by the Minnesota Data Practices Act. Users agree to fully comply with that Act. Users waive any right of privacy in anything they view, create, store, send, or receive on the computer system.**

The Commission, at its discretion, may monitor or review anything that users view, create, store, send, or receive on the computer system. The existence of passwords or “message delete” functions does not in any way restrict or eliminate this right.

12.4.3 WORKSTATION CONFIGURATION

User workstations are configured to operate in a complex, networked environment. Users may not change their system’s configuration or delete or modify any files not created by the user. If users believe their computer is not configured correctly, they should contact the Management Information Systems (MIS) staff for assistance.

The MIS Manager must authorize all hardware and software changes or upgrades. Personal software may not be installed on individual workstations or the computer network unless specifically authorized by the MIS Manager. This includes the introduction of outside screen savers. The screen savers used shall be limited to those supplied with the Windows operating system. The marquee screen saver may only be used to display the approved Mission Statement of the Commission.

12.4.4 STORAGE OF DATA

Employees are responsible for backing up the hard drive on their individual workstations on a consistent basis. Complete system backups should be done at least once every six months.

To conserve computer resources, nonessential e-mail should be deleted, and user e-mail accounts should be configured to archive saved e-mail after no more than 60 days.

12.4.5 TRANSPORTING FILES

To facilitate off-site work, employees may copy appropriate files to and from diskettes or jump drives. "Appropriate files" include word processing documents, electronic spreadsheets and presentation graphic files. Any diskettes or jump drives that are used in computers outside of the Commission must be scanned for viruses before being used in a Commission computer. No other files or information may be copied to or from Commission computers.

12.4.6 WORK PRODUCT OWNERSHIP

All information developed on the computer system or introduced to the computer system is the property of the Commission, regardless of where it was created, except for software or other proprietary information previously licensed to another person or entity.

In addition, any information developed by a Commission employee on any other computer, if in conjunction with his or her employment with the Commission, is the property of the Commission. Copies of such files must be provided to the Commission, which has the exclusive right to retain, maintain and modify these files.

12.4.7 SOFTWARE USE

According to U.S. Copyright Law, illegal reproduction of software can be subject to civil damages of as much as \$100,000 per work copied, and criminal penalties, including fines and imprisonment. The Commission does not condone the illegal duplication of software or any other form of criminal activity. Employees who engage in such activity are also subject to discipline under the Commission's disciplinary policies.

The Commission complies with all software copyrights and terms of all software licenses. Commission employees may not duplicate licensed software or related documentation. Any such duplication may result in liability for civil or criminal penalties.

Software owned by the Commission may not be copied to external systems unless the license agreement allows such use and the MIS Manager has approved the installation.

Users may not modify or otherwise alter any software owned by the Commission.

12.5 SECURITY

Electronic information is a valuable asset to the Commission. The goal of computer system security is to protect information from unauthorized or inappropriate access or modification.

12.5.1 PASSWORDS

Users are responsible for safeguarding their passwords for access to the computer system. Individual passwords should not be printed or stored online, and should be changed periodically to ensure security of the system. Users are responsible for all transactions made using their passwords. No user may access the computer system with another user's password, without management authorization.

While users may have a confidential password, this does not imply that they have an expectation of privacy in anything they view, create, store, send, or receive on the computer system. Commission management has access to all data stored on its computer system, regardless of whether the data has been encoded with an individual user's password.

Users may not add additional security or passwords to their workstations or files without written authorization from the MIS Manager. All current and changed passwords must be registered with the MIS Manager.

12.5.2 ENCRYPTION

Users may not install or use encryption software on the computer system without first obtaining written permission from management. Users may not use passwords or encryption keys that are unknown to management.

12.5.3 ACCESS

Users may not alter or copy a file belonging to another user without first obtaining permission from the owner of the file, or other appropriate authorization. Users may not use the computer system to access the files or e-mail of other users without proper authorization. In addition, users may not attempt to gain unauthorized access to restricted areas on the computer system or attempt to circumvent or otherwise tamper with the Commission's computer security measures.

Users may not use the computer system to access other computer systems or networks unless specifically authorized by the operators of those systems.

Each user is responsible for ensuring that his/her use of outside computer systems and networks, such as the Internet, does not compromise the security of the Commission's computer network. This responsibility includes taking reasonable precautions to prevent outsiders from accessing the Commission network without authorization and to prevent the introduction and spread of viruses.

To maintain computer system security, users are required to signoff all systems when they will be away from their computer for more than fifteen minutes. Users that will be away from their work site should physically secure their computers by locking office doors, whenever possible.

12.5.4 VIRUS DETECTION

Viruses can cause considerable damage to computer systems. Each user is responsible for taking reasonable precautions to avoid introducing viruses into the computer network. To avoid virus contamination of the system, all files transferred from a disk, jump drive, or other media and anything downloaded from the Internet or computer systems outside of the Commission network, must be scanned for viruses before being loaded onto the Commission computer system. Items that must be scanned include disks brought from home, files downloaded from the Internet, e-mail attachments, files from vendors, etc.

E-mail attachments that originate from persons unknown to the user should never be opened.

12.6 INTERNET

12.6.1 USE

Internet access is limited to those employees who demonstrate a legitimate business need. The Internet must be used primarily for work-related purposes. Limited personal use during lunch breaks, rest breaks or other non-work time is acceptable. However, such use must not interfere with the performance of work duties and must be consistent with the Respectful Workplace Policy.

To ensure security and avoid the spread of viruses, users accessing the Internet through a computer attached to the Commission computer network must do so through a management-approved Internet firewall. Accessing the Internet directly is strictly prohibited.

12.6.2 PROHIBITED ACTIVITIES

Material that is harassing, sexually explicit, discriminatory, profane, obscene, or intimidating, may not be displayed or stored on the computer system or downloaded from the Internet.

Users may not use the computer system for entertainment purposes, including downloading games to their workstations or playing games over the Internet.

12.6.3 DOWNLOADS

All software, music or video clips, updated virus definitions, program updates or any other files downloaded from the Internet, newsgroups, bulletin boards, or other online services should be done through the network server by the MIS department and then distributed to individual users.

No downloads may be performed without prior authorization from the MIS Manager.

12.6.4 MONITORING

Employees do not have an express or implied personal privacy right in any information created, sent, received, or accessed with the Commission's Internet system. Although the Commission does not intend to routinely monitor Internet use, it may do so to maintain the integrity and efficiency of the system, prevent and discourage unauthorized access and system misuse, retrieve business-related information, or investigate reports of misconduct or misuse. The existence of passwords does not restrict or eliminate the Commission's ability or right to monitor Internet use.

Any information obtained through the above monitoring or review may be disclosed to third parties without prior notification to users.

12.6.5 BLOCKING INAPPROPRIATE SITES

The Commission may use software to block access to sites identified as inappropriate for business use. If a user encounters sexually explicit or other inappropriate material when accessing the Internet, the user must immediately disconnect from the site, whether or not the site was blocked by the computer system.

12.7 E-MAIL

12.7.1 USE

The e-mail system must be used primarily for work-related purposes. Limited personal use during lunch breaks, rest breaks, or other non-work time is acceptable. However, such use must not interfere with the performance of work duties and must be consistent with the Respectful Workplace Policy. Only the Lotus Domino/Notes e-mail accounts set up for each user by Commission management may be used. "Hotmail" and similar types of e-mail systems may not be accessed through the computer network.

12.7.2 GENERAL GUIDELINES

Electronic messages should be written using the same standards of care and professionalism used for other forms of business writing. Accurate content and correct spelling and grammar are important considerations. E-mail messages should not be typed in all upper-case letters as this is not only difficult to read, but also is perceived as shouting. Since e-mail may be stored indefinitely on a number of computer systems, it should not be considered to be private or secure, as many people, other than the original addressee, may view it.

The e-mail system is configured to automatically add the following notification, and it should be included on every e-mail message:

This e-mail and any files transmitted with it are privileged and confidential and are intended only for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, please be advised that you have received this e-mail in error and that any use, dissemination, distribution, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately telephone Grand Rapids Public Utilities at 218-326-7024 (collect). We will reimburse your reasonable expenses incurred in notifying us.

12.7.3 PROHIBITED ACTIVITIES

Material that is harassing, sexually explicit, discriminatory, profane, obscene, or intimidating may not be sent by e-mail or any other form of communication. Users that encounter inappropriate e-mail should report the occurrence to their supervisor.

Users may not send anonymous e-mail messages.

12.7.4 SENSITIVE COMMUNICATIONS

In general, e-mail should not be used to transmit sensitive material such as employee reprimands or other confidential information.

To protect the attorney-client privilege, e-mail sent to attorneys should include the following header on each page: "ATTORNEY-CLIENT PRIVILEGED; DO NOT FORWARD WITHOUT PERMISSION." Care should be taken when sending these messages to ensure they are directed to the intended person(s). Consideration should also be given to encrypting communications with attorneys (or other sensitive communications) to ensure that messages are not disclosed to unintended parties.

12.7.5 MONITORING

Employees do not have an express or implied personal privacy right in any matter created, sent, received, accessed, or stored with the Commission's e-mail system. Although the Commission does not intend to routinely monitor e-mail, it may monitor the system and access information or messages stored on the system to maintain the integrity and efficiency of the system, prevent and discourage unauthorized access and system misuse, retrieve business-related information, investigate reports of misconduct or misuse, reroute or dispose of undeliverable e-mail, or respond to lawful requests for information, including requests from law enforcement agencies. The existence of passwords or "message delete" functions does not restrict or eliminate the Commission's ability or right to access information or messages stored on the Commission's e-mail system.

12.7.6 COMPLIANCE WITH APPLICABLE LAWS

When using the e-mail system, users must comply with all applicable state, federal and international laws governing intellectual property, data disclosure and online activities.

12.7.7 OTHER POLICIES

When using the e-mail system, users must comply with all other Commission policies including, the Respectful Workplace Policy.