

City of Grand Rapids Personnel Policies

Revised January 2026

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HUMAN RESOURCES and BENEFITS INFORMATION

CITY OF GRAND RAPIDS PERSONNEL POLICIES

Updated January 2026

Article I. INTRODUCTION

Section 1.01 Purpose

The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Grand Rapids. No Supervisor or City representative has any authority to enter into any agreement for employment for any specific period of time, or to make any agreement contrary to this provision.

Nothing in the City of Grand Rapids personnel policies, or in other City policies which may be communicated to the employee, constitutes a contract of employment for any City employee. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the City. These policies supersede all previous personnel policies. As an employee, you are responsible for complying with current City policy at all times. Except where noted otherwise, the City Administrator or their designee is charged with ensuring compliance with these personnel policies.

Except as otherwise prohibited by law, the City of Grand Rapids has the right to terminate any employee at any time for any or no reason. Employees may similarly terminate employment at any time for any reason.

Section 1.02 Scope

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

1. Elected officials
2. City attorney
3. Members of City boards, commissions, and committees
4. Consultants and contractors
5. Volunteers, except as specifically noted for paid-on-call firefighters.

If any specific provisions of the personnel policies conflict with any current union agreement or civil service rules, the union agreement or civil service rules will prevail.

Union employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

These policies serve as an information guide to help employees become better informed and to make their experience with the City more rewarding. Departments may have special work rules deemed necessary by the Supervisor and approved by the City Administrator for the achievement of objectives of that department. Each employee will be given a copy of such work rules by the department upon hiring and those rules will be further explained, and enforcement discussed with the employee by the immediate Supervisor.

Section 1.03 EEO Policy Statement

The City of Grand Rapids is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Grand Rapids will not discriminate against any employee or job applicant on the basis of race (including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs and twists) color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

This policy applies to all City employees, elected officials, members of boards and commissions, paid on-call firefighters, police reserves, and all other personnel as well as consultants rendering professional services to the City.

Section 1.04 Adoption

The following policies have been approved by the City Council and shall govern the personnel system of the City of Grand Rapids, except where superseded by state or federal law or a collective bargaining agreement. These rules supersede and revoke all previous City of Grand Rapids Personnel Policies.

Section 1.05 Amendments

The City reserves the right to modify, amend, add to, or delete any of these policies, or a portion thereof, at its discretion. All amendments shall be adopted upon majority vote of the City Council. Amendments shall be effective the day of adoption, unless a different date is specified. Interim changes in the policies will be posted by Administration and a copy will be distributed to all employees.

Section 1.06 Administration

The City Administrator, who is directly accountable to the City Council, and the Human Resources Officer shall administer these policies. They shall develop and provide the necessary forms, procedures, and instructions deemed necessary for the implementation of these policies. The City Administrator may grant a variance, after consulting the City's legal counsel, to these policies, based on the circumstances of a matter and after a determination that it is in the best interest of the City. All variances will be in conformance with applicable state and federal laws. Copies of these policies shall be made available to all employees and appointing authorities. Printed copies of these policies shall be on file in the Human Resources office and shall be available for public review upon request.

Section 1.07 Savings Clause

If any personnel policy, or a portion thereof, is held invalid or illegal by any judicial administrative or legislative action, the remainder of these policies, other than that which has been held invalid, shall remain in full force and effect.

Section 1.08 Management Rights

The City Council retains the full and unrestricted right to operate and manage all human resources, facilities, and equipment; to establish functions, policies and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work schedules, to hire, assign, transfer, promote, suspend, discipline or discharge employees; to determine the City'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 contract out for goods and services; and to perform any other managerial functions whether or not specifically identified in these policies.

Section 1.09 Data Practices Advisory

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

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

Section 1.10 Media Requests

All City employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Requests for private data or information outside of the scope of an individual's job duties should be routed to the appropriate department or to the data practices authority.

Any employee who identifies a mistake in reporting should bring the error to the City Administrator or other appropriate staff. Regardless of whether the communication is in the employee's official City role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc.

Except for routine events and basic information readily available to the public, all requests for interviews or information from the media are to be routed through the City Administrator. No City employee is authorized to speak on behalf of the City without prior authorization from the City Administrator or his/her designee. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings, and websites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda), provide the information and notify the City Clerk of the request.
2. If the request is regarding information about City personnel, potential litigation, controversial issues, an opinion on a City matter, or if an employee is unsure if the request is a "routine" question, forward the request to the City Administrator. An appropriate response would be, "I'm sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person, who will get back to you as soon as they can." Then ask the media representative's name, questions, deadline, and contact information.

All news releases concerning City personnel will be the responsibility of the City Administrator.

When/If the City Administrator authorizes a staff person to communicate on behalf of the City in interviews, publications, news releases, on social media sites, and related communications, employees must:

- Identify themselves as representing the City. Account names on social media sites must be clearly connected to the City and approved by the City Administrator.
- Be respectful, professional, and truthful when providing information. In most cases, only factual information (not opinions or editorial comments) should be provided.

- Generally, do not include personal opinions in official City statements. One exception is communications related to promoting a City service. For example, an employee could post the following on the City's Facebook page: "My family visited Yanmar Arena this weekend and really enjoyed the new pavilion."
Employees who have been approved to use social media sites on behalf of the City should seek assistance from the City Administrator on this topic.
- Notify the City Administrator if they will be using their personal technology (cell phones, home computer, cameras, etc.) for City business. Employees should be aware data transmitted or stored may be subject to the Minnesota Government Data Practices Act.

Section 1.11 Personal Communications and Use of Social Media

It is important for City employees to remember the personal communications of employees may reflect on the City, especially if employees are commenting on City business or commenting on issues that implicate their City employment. As City representatives, employees share in the responsibility of earning and preserving the public's trust in the City. An employee's own personal communications, such as on social media, can have a significant impact on the public's belief that all City staff will carry out City functions faithfully and impartially and without regard to factors such as race, sex/gender, religion, national origin, disability, sexual orientation, or other protected categories. Nonpersonal communications (performed within one's job duties) to members of the public must be professional at all times. The following guidelines apply to personal communications, including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements:

- Do not share any private or confidential information you have access to as a result of your City position.
- Any personal communications made on a matter of public concern must not disrupt the efficiency of the City's operation, including by negatively affecting morale. Put another way, such public comments must not undermine any City department's ability to effectively serve the public. Disruptive personal communications can include liking or republishing (sharing/retweeting) a social media post of another individual or entity. The City can act on the personal communication that violates this policy without waiting for the actual disruption.
- Remember what you write or post cannot easily be undone. It may also be spread to a larger audience than you intended. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos you would not want your boss or other employees to read, or you would be embarrassed to see in the newspaper.

Keep in mind harassment, bullying, threats of violence, discrimination, or retaliation concerning a co-worker or between co-workers that would not be permissible in the workplace is not permissible online, even if it is done after hours, from home and on home computers.

- The City expects its employees to be fair, courteous, and respectful to Supervisors, co-workers, citizens, customers, and other persons associated with the City. Avoid using statements, photographs, video or audio that reasonably may be viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment or bullying.

Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of sex, race (including traits associated with race, including, but not limited to, hair texture and hairstyles such as braids, locs and twists) national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance or membership or activity in a local human rights commission:

- If you publish something related to City business and there is likely to be confusion whether you are speaking on behalf of the City, it would be best to identify yourself and use a disclaimer such as, "These are my own opinions and do not represent those of the City of Grand Rapids."
- City resources, working time, or official City positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector should not use the City's logo, email, or working time to promote their side business as a plumber; a parks employee should not access a park after hours even though they may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.
- Personal social media account names or email names should not be tied to the City.

Section 1.12 Employee Responsibilities

Employees subject to these policies shall comply with and carry out the provisions of these policies. Any employee who fails to comply with any of the provisions of these policies may be subject to disciplinary action by City Council.

Article II. CITYWIDE WORK RULES & CODE OF CONDUCT

Section 2.01 Employment Conditions

This policy commits the City to equal employment opportunity in all aspects of employment, including recruitment, selection, placement, transfer, promotion or demotion, training and development, benefits, compensation, social and recreational programs, termination, and all terms or conditions of employment. The City will attempt to accommodate special religious observances and practices of employees and applicants, except where it would create hardships on the City.

Arbitrary, artificial or non-job-related standards of selection are contrary to this policy. An objective evaluation of individual qualifications, interests and potential, as related to the requirements and responsibilities of the job to be filled, and the consideration of the City policies, will determine selection. Any position that requires specific criteria, which could potentially limit the consideration of protected groups' individuals, needs to be reviewed by Human Resources.

During the recruitment and selection process, requests for information will be related to the job or as needed to comply with applicable laws, rules, and regulations. Information regarding the age of the applicants may be requested only when there is a reason to believe the applicant does not meet the legal minimum age requirements. An applicant's disclosure of gender, race or veteran's status is voluntary and kept in a separate confidential file for the sole purpose of record keeping and reporting. Following the commencement of employment, information regarding an employee's race, age, gender, language, previous and present insurance coverage, marital status, veteran's status, or disability may be collected and recorded for reporting and legitimate business purposes only.

Changes in job status and opportunities for earning benefits and compensation will be afforded to employees equally based on qualification, job criteria or business necessity.

Section 2.02 Conduct as a City Employee

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

Honesty is an important organizational attribute to our City. Therefore, any intentional misrepresentation of facts or falsification of records, including personnel records, medical records, leaves of absence documentation or the like, will not be tolerated. Further, dishonesty in City positions may preclude workers from effectively performing their essential job duties.

As just one example, a police officer with a credibility issue under a Brady/Giglio designation, very likely will be excluded from providing testimony for court cases, thereby creating an employment strain where an employee cannot effectively perform the essential functions of the job. Any violations will result in corrective action, up to and including termination.

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

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand, and comply with the rules and regulations as set forth in these personnel policies, as well as those of their departments.
- Conduct themselves professionally toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate Supervisor.
- Meet goals set by an employee's Supervisor.
- Approach our organization and operational duties with a positive attitude and constructively support open communication, creativity, dedication and compassion.

Section 2.03 Attendance & Absence

The operations and standards of service in the City of Grand Rapids requires employees be at work unless valid reasons warrant absence, or an employee has a position approved to work remotely on an occasional basis.

In order for a team to function efficiently and effectively, employees must fully understand the goals set for them and the time required to be on the job. Understanding attendance requirements is an essential function of every City position.

Employees who are going to be absent from work are required to notify their Supervisor, in advance of the absence, as outlined in the applicable leave policy under Article XIII. In the event of an unexpected absence, employees should call their Supervisor before the scheduled starting time, or as soon as practical for an unexpected absence, and keep in mind the following procedures:

- If the Supervisor is not available at the time, the employee should leave a message with a telephone number where they can be reached and/or contact any other individual who was designated by the Supervisor.
- Depending on the absence, failure to use the established reporting process may be grounds for disciplinary action.
- The employee must specify the amount of time needed away from work. In the event the absence is expected to last longer than anticipated, employees must contact their Supervisor as soon as possible to request additional time away from work.
- Employees who are absent for two days or more and who do not report the absence in accordance with this policy, may be considered to have voluntarily resigned not in good standing.
- The City may waive this rule if extenuating circumstances warranted such behavior.

For budgetary and confidentiality reasons, non-exempt employees (eligible for overtime pay) are not authorized to take work home or work through lunch without prior approval from their Supervisor.

Section 2.04 Access to and Use of City Property

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

Some employees are assigned a locker. Periodically and without notice, lockers and lavatories may be inspected for safety, health, and security reasons. Graffiti or the defacement of City property is a violation of rules and is subject to disciplinary action, up to and including termination.

The City reserves the right to open and inspect any locker at any time without notice. Employees will not be reimbursed for locks cut for the purpose of conducting a search of a locker.

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

The City reserves the right to access all City-owned property.

Section 2.05 Appearance

Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Dress needs vary by function. Employees who spend a portion of the day in the field need to dress in a professional manner appropriate to their jobs, as determined by their Supervisor. Employees may dress in accordance with their gender identity, within the constraints of the dress codes adopted by the City. City staff shall not enforce the City's dress code more strictly against transgender and gender diverse employees than other employees. Additionally, this policy also respects and accommodates religious and cultural attire, such as head coverings, religious jewelry, or specific garments that do not compromise safety.

In all instances, clothing and appearance must be neat, clean, not ripped, not heavily frayed or worn, and not expose an excessive amount of skin.

The following are examples of clothing and shoe choices that are never acceptable, but it is not an exhaustive list. When in doubt, consult with Human Resources.

- Sweatpants, yoga pants and other exercise apparel
- Beach wear
- Shorts
- Any clothing showing midriffs
- Sheer clothing
- Flip-flops, house slippers, Crocs shoes

Employees are allowed to wear jeans clean and free of rips, tears, fraying and not excessively tight or revealing.

Employees who need an accommodation associated with a protected status, such as religion or disability, should speak with Human Resources to obtain approval to deviate from this policy.

Section 2.06 Conflict of Interest

City employees are to remove themselves from situations in which they would have to take action or make a decision whereas that action or decision could be perceived or is an actual conflict of interest, that could result in a personal benefit for themselves or a family member. If an employee has any question about whether such a conflict exists, they should consult with the City Administrator.

Section 2.07 City Employees Working as Paid On-Call Firefighters

The City of Grand Rapids recognizes the value of having regular, full-time employees also serve as paid on-call firefighters for the fire department. Therefore, the City encourages and supports membership of regular, full-time employees as paid on-call staff.

As City employees, the best interests of Grand Rapids' residents, businesses, and visitors, and respect for the democratic process must guide our work and be placed at the forefront of everything we do. Working as a paid on-call firefighter requires commitment and sacrifice. However, it also provides the opportunity to serve the community and its residents when they need it the most.

These employees may also respond to emergency calls during regular, full-time hours under certain circumstances and it is in the City's best interest to compensate employees who meet the qualification of paid on-call firefighter in order to have adequate:

- City operations; and
- Staffing levels 24 hours a day in order to support the needs of area departments providing fire protection.

A permanent part-time or full-time City employee who is also a firefighter with the Grand Rapids Fire Department (GRFD) can expect the following compensation:

1. When responding to an emergency call outside of their regular City employment hours, employees shall be paid per hour per call for responding to emergency calls for service and attending meetings, drills and other special details required by the Fire Chief and his/her designee. All hours worked shall be rounded up to the next full hour for purposes of determining compensation.
2. When responding to an emergency call during their regular employment shift, payment of regular department pay will continue for the time spent during the regularly scheduled shift responding to an emergency call. The employee will not have to make up any lost time in the permanent position.
3. Generally, permanent City employee(s) have the ability to sign out of their regular position in order to respond to emergency calls. An immediate supervisor may deny an employee's request to leave their regular position in order to respond to an emergency call if the employee is performing an essential job function that must be completed timely in order for city business to run efficiently. The City Administrator has final authority.
4. If an Employee is a member of the Grand Rapids Police Department working in the capacity of law enforcement, the Employee may respond to the emergency call as a Police Officer during their regular working hours; however, they will not receive credit towards the call and will be paid their Police Officer wage during their regular working hours.

The Employee must resume law enforcement duties upon adequate staffing by fire fighters to the call.

5. An employee has the ability to report in late to the employee's regular position with the City due to responding to an emergency call. Timely notice must be given to the employee's immediate supervisor prior to responding to the emergency call. Employees may receive compensation from the GRFD or other community fire department when reporting to work as a part-time firefighter before the employee's regularly scheduled shift with the City. Regular city pay will be paid once the regularly scheduled city shift starts.
6. Overtime will be calculated as per the applicable labor agreement and/or the Fair Labor Standards Act.
7. Any overtime incurred as a result of an emergency call will be coded to the Fire Department for accounting purposes.
8. Employees who respond to a paid on-call emergency during non-regular working hours* will be paid at the applicable paid on-call rate and that time will be reported on the employee's fire timesheet, with the time noted on when the call was worked (i.e. 5:30 – 7:30 PM). Any time worked by the employee as a paid on-call firefighter beyond the employee's regularly scheduled shift with the City, will be paid by GRFD or other community fire department.
9. Under no circumstances will time reported for responding to a paid on-call emergency be reflected on both the employee's regular timesheet and the employee's fire timesheet.
10. All applicable benefits and leaves shall also continue to accrue without regard to time spent on emergency calls.

If an employee is a fire fighter on another community fire department and they are authorized to leave their regular shift with the City to go on a fire call, they do not have to take PTO or make up the hours missed.

If an employee is found in violation of this policy the employee will be subject to discipline, up to and including termination.

**Non-regular working hours include paid time off (PTO), holidays, and after scheduled hours (i.e. Saturdays and Sundays).*

Section 2.08 Falsification of Records

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

Section 2.09 Whistleblower Protections

An employee of the City who, in good faith, reports an activity they consider to be illegal, dishonest, or fraudulent, may have whistleblower protections. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate City management officials are charged with these responsibilities.

Examples of illegal or dishonest fraudulent activities include violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact their immediate Supervisor or Human Resources. The employee must exercise sound judgment to avoid baseless allegations.

An employee who intentionally files a false report of wrongdoing may be subject to discipline up to and including termination.

It is the City's legal responsibility to protect employees who make a complaint of employment discrimination, who serve as a witness or participate in an investigation, or who are exercising their rights when requesting religious or disability accommodation from retaliation.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation; insofar as consistent with Minnesota Data Practices, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The City will not retaliate against a whistleblower. This includes but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

Section 2.10 Telephone Calls, Voicemail, 2-Way Radios

Personal telephone calls are to be made or received only when truly necessary (e.g., family or medical emergency). Personal calls are to be kept at a minimum; if necessary, calls should be placed during lunch or break periods. Employees should discourage friends and family members from making personal calls to employees at the City's offices during work hours. Personal phone calls are not to interfere with City work and are to be completed as quickly as possible. Any costs associated with personal long-distance phone calls will be paid for by the employee. Please refer to Article XXV, Cellular Phone Use for information on use of cellular phones.

Those employees whose job requires the use of a phone and voicemail should always use an appropriate greeting and speak in a courteous and professional manner. The phone system should be used in a businesslike manner. If you have questions about the use of the phone system, please contact your Department Head or the IT department.

Federal Communications Commission regulations govern the use of communication radios, and the City is periodically monitored by the Commission. Our 2-way radios are also subject to being heard by any member of the public with such equipment, as well as by the City of Grand Rapids, and other local law enforcement agencies.

Federal regulations and City policy prohibit the use of these communication radios for non-City business. These radios are not to be used to make comments about co-workers or to make abusive or profane comments or statements. Any employee violating this policy shall be subject to immediate disciplinary action, up to and including termination of employment.

Section 2.11 Political Activity

City employees have the right to express their views and to pursue legitimate involvement in the political system outside of work time. Any employee who becomes a candidate for federal, state or municipal elective office, or assumes a federal, state, or municipal elective office, is expected to properly fulfill their normal duties during such candidacy and while holding such office and may be disciplined for failure to do so. An employee holding such office will be permitted time off from regular employment to attend meetings required by reason of the public office. Such time off may be without pay, by using appropriate paid leave, or made up with other hours, as agreed between the employee and the Department Head.

See Minnesota Statute 3.088 Leave of Absence.

Any employee whose principal employment in the City is in connection with an activity which is funded in whole or in part by the United States or a federal agency is also subject to the restrictions and penalties of the Federal Hatch Act (5 U.S.C. § 1501-1508). Political activity should not impair objectivity or the perception of objectivity in carrying out City work.

City employees cannot use their official authority or influence through their employment with the City to compel a person to apply for membership in or become a member of a political organization, or to compel a person to pay or promise to pay a political contribution, or to compel a person to take part in political activity. While at work, City employees must be politically neutral in the performance of their job duties and cannot engage in political activity while at work, on City property, or by using City resources (such as City branded clothing or uniforms, photos, ID badges, nametags, or using the City's email system or technology). Furthermore, employees should not use their City job title in conjunction with any political work or endorsements.

Section 2.12 Tobacco Use

The City of Grand Rapids observes and supports the Minnesota Clean Indoor Air Act. All City buildings and vehicles, in their entirety, shall be designated as tobacco free, meaning that smoking in any form (through the use of tobacco products such as pipes, cigars, and cigarettes) or “vaping” with e-cigarettes is prohibited while in a City facility or vehicle.

Smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco, is prohibited for employees while on duty. Employees 21 and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

This policy shall not include the designated smoking areas at the Pokegama Golf Course.

Section 2.13 Gratuities

Any City employee or family member must comply with Minnesota Statutes § 471.895, Subds. 1 and 2, concerning the acceptance of gifts or favors. During their performance of duties with the City, all City employees are prohibited from accepting from any person or entity presently or potentially benefitting from the City financially, with some exceptions, the following: money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

All interpretations concerning gifts or gratuities must be brought to the City attorney for review.

Section 2.14 Honoraria

If employees present programs, workshops or make speeches or other appearances for which they receive honoraria, these honoraria are to be turned back to the City, when the presentation is prepared during the employee’s hours worked with the City, the presentation is made during the employee’s hours worked with the City, or the City is paying travel expenses.

Section 2.15 Solicitation Policy

Solicitation of employees by non-employees on City premises is prohibited. Solicitation by employees is prohibited on City premises when employees involved should be working.

However, solicitation of employees by fellow employees is permitted during non-working hours and in non-working areas of the building(s), such as the lunchroom. Employees who wish to solicit financial or other support from their fellow employees for any cause, charitable, political or employment-related, are encouraged to do so off the City premises.

Distribution of literature on City premises is not permitted, except by employees and only in non-working areas during non-working time.

Article III. DEFINITIONS

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

Section 3.01 Administrator

The person appointed by the City Council who administers the City policies.

Section 3.02 Appointment

A regular assignment to a paid position with the City.

Section 3.03 At-Will Employment

An employee can quit for any reason; an employer can fire any employee for any reason, as long as that reason is not illegal, such as discrimination based on age, gender and gender identity, race, ethnicity, national origin, language, religious beliefs, sexual orientation, veteran status, gender identity, mental or physical ability, marital status, family status, or educational background.

Section 3.04 Authorized Hours

The number of hours an employee was hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the employee's Supervisor.

Section 3.05 Benefit Eligible

A regular or limited-term position that is regularly scheduled to work 80 hours or more during a two-week pay period and has been designated as "benefit-eligible" by the City Council.

Section 3.06 Benefits

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

Section 3.07 Benefit Earning Employees

Employees who are eligible for at least a pro-rated portion of City-provided benefits. Except for Earned Sick and Safe Time (ESST) and Minnesota Paid Leave program benefits, such employees must be year-round employees who work at least 20 hours per week on a regular basis.

Section 3.08 City

All departments and employees coming under the jurisdiction of the City Council of Grand Rapids.

Section 3.09 City Council

The City Council of Grand Rapids, including the Mayor and all other Council members.

Section 3.10 Class

One or more positions sufficiently similar in the duties performed; degree of supervision exercised or required minimum requirements of training, experience, or skill; and such other characteristics that the same title, the same tests of fitness, and the same schedule compensation may be applied with equity to all of the positions.

Section 3.11 Classification

The grouping of positions into classes with regard to duties and responsibilities.

Section 3.12 Confidential

An employee who (1) has access to labor relations information, including City management's position on economic or noneconomic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management's position and/or (2) actively participates in the meeting and negotiating on behalf of the City.

Section 3.13 Core Hours

The core hours all employees (exempt and non-exempt) are expected to work are 8 a.m. to 4:30 p.m., Monday through Friday. Police, fire, public works, and library employees do not have core hours and work the schedules established by their Supervisors.

Section 3.14 Date of Employment

The date a person begins employment in a position. The most recent date of hire in a position is used for determination of eligibility for seniority, paid time off (PTO), extended medical benefits (EMB), and Earned Sick and Safe Time (ESST).

Section 3.15 Demotion

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

Section 3.16 Department Head

Those elected and appointed officials who are responsible for management of a division/department as determined by law or the City Council.

Section 3.17 Direct Deposit

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

Section 3.18 Director

One that supervises, controls, or manages a department.

Section 3.19 Dismissal

Termination of employment by the City.

Section 3.20 Elected Official

Those City officials selected by vote of the electorate.

Section 3.21 Eligibility List

The list of any persons who are eligible to be considered for a given job or class of jobs.

Section 3.22 Eligible

The status of any person whose name is on the reinstatement or eligibility list for a given class.

Section 3.23 Employee

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

Section 3.24 Emergency Employee

A person who is appointed to perform certain duties when an emergency exists.

Section 3.25 Exempt Employee

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

Section 3.26 Extended Medical Benefit (EMB)

The number of hours an employee has earned that may be taken with pay, due to illness or injury to self or immediate family, necessitating absence from work after the initial forty (40) consecutive hours of paid time off (PTO) per incident.

Section 3.27 FICA (Federal Insurance Contributions Act)

FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution of 6.2 percent for Social Security and 1.45 percent for Medicare. The City contributes a matching 7.65 percent on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers). These amounts may change if required by law.

Section 3.28 Paid time off (PTO)

Historically this has been hours earned that may be taken off with pay for any reason, and time that must be used for the forty (40) consecutive hours of illness or injury to self or immediate family to be eligible for Extended Medical Benefit (EMB). This time, formerly known as PTO, is now referred to as paid time off (PTO).

Section 3.29 Fiscal Year

The period from January 1 to December 31.

Section 3.30 Full-Time Employee

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

In order to comply with health care reform laws while avoiding penalties, part-time employees will be scheduled with business needs and in a manner that ensures positions retain part-time status as intended.

Section 3.31 Hours of Operation

The City's regular hours of operation are Monday through Friday, from 8 a.m. to 4:30 p.m.

Section 3.32 Limited Term Employee

A position designated by the City Council at the time authorized as a "limited-term" position. These positions are established for a fixed period of time or as may be otherwise designated by the City Council. If funding for a limited-term position is decreased or three years passes, additional City authorization is required. These employees are eligible for the same benefits conferred upon regular employees of the same full-time equivalency and are subject to the terms and conditions set forth by the City Council. Limited-term employees, however, do not accrue seniority for purposes of lay-off or reemployment, unless the employee was in a regular position immediately before appointment to the limited-term position. A limited term employee is an At-Will employee.

Section 3.33 Management Employee

An employee who is responsible for managing a department or division of the City.

Section 3.34 Non-Exempt Employee

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

Section 3.35 Paid Time Off (PTO)

Hours earned that may be taken off with pay for any reason, and time that must be used for the forty (40) consecutive hours of illness or injury to self or immediate family to be eligible for Extended Medical Benefit (EMB). This time was formerly known as PTO.

Section 3.36 Part-Time Employee

Employees who are required to work less than forty (40) hours per week year-round in an ongoing or permanent position. In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with health care reform laws, while avoiding penalties, permanent part-time employees will be scheduled with business needs in mind and in a manner that ensures positions retain part-time status as intended.

Section 3.37 Pay Period

A fourteen (14) day period beginning at 12 a.m. (midnight) on Sunday through 11:59 p.m. on Saturday, fourteen (14) days later.

Section 3.38 PERA (Public Employees Retirement Association)

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

Section 3.39 Promotion

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

Section 3.40 Reclassify

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

Section 3.41 Seasonal Employee

Employees who work only part of the year (100 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits –except that seasonal employees are eligible to accrue Earned Sick and Safe Time (ESST) leave as outlined in the ESST policy— and do not earn credit for seniority. Additionally, effective January 1, 2026, most seasonal employees as defined in this section are also eligible for Minnesota Paid Leave program benefits.

The City will provide notice to select seasonal employees who also fall under the Minnesota Paid Leave law's narrow definition of "seasonal employee," as these individuals will not be covered by Minnesota Paid Leave.

To be excluded from coverage under Minnesota Paid Leave law, seasonal employees working for the City must meet the requirements outlined in [Minn. Stat. § 268B.01, Subd. 35](#).

In order to comply with health care reform laws, while avoiding penalties, part-time employees will be scheduled with business needs in mind and in a manner that ensures positions retain part-time status as intended or, in some rare instances, may be offered health insurance to comply with federal health care reform laws and regulations while avoiding associated penalties.

Section 3.42 Service Credit

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

Section 3.43 Student

An individual who is 21 years of age or younger and is enrolled full-time in a public, non-profit, or private educational institution or who has indicated an intention to continue as a full-time student following temporary employment. The work schedule of the student will be developed by the City Council based on the needs of the department and the student's class schedule. The student may work on a part-time and/or full-time basis but may not work nor be in a position that is filled more than 100 days in a calendar year.

Section 3.44 Supervisor

An employee who has the authority to undertake a majority of the following functions on behalf of the City: appoint, transfer, suspend, promote, terminate, assign, reward or discipline, direct, or adjust grievances of other employees, or to effectively recommend any of those actions. The exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment.

Section 3.45 Suspend

To temporarily relieve an employee from duties of employment. A written notice of intent to dismiss may accompany the suspension following approval by City Council.

Section 3.46 Temporary Employee

Employees who work in temporary positions. Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedule. Temporary employees do not earn benefits – except that temporary employees are eligible for Minnesota Paid Leave Program (PFML) benefits and Earned Sick and Safe Time (ESST) leave as outlined in the ESST policy—and do not earn credit for seniority.

In order to comply with health care reform laws while avoiding penalties, part-time employees will be scheduled with business needs in mind, and in a manner that ensures positions retain part-time status, as intended or, in some rare instances, may be offered health insurance.

Section 3.47 Training/Probationary Period

A six-month period (twelve months for police officers) at the start of employment with the City (or at the beginning of a promotion, reassignment, or transfer) designated as a period within which to learn the job, unless covered by a collective bargaining agreement stating a different time frame. The training period is an integral extension of the City's selection process and is used by Supervisors for closely observing an employee's work. It does not, however, alter the at-will status of employment between the City and employee.

An employee serving the initial probationary period may be disciplined for any reason at the sole discretion of the City, up to and including dismissal. An employee so disciplined, including dismissal, will not have any grievance rights unless grievance rights are specifically provided by a collective bargaining agreement.

Nothing in this policy handbook shall be construed to imply during or after completion of the probationary period, an employee has any vested interest or property right to continued City employment.

Time served in temporary, seasonal, volunteer or interim positions are not considered part of the probationary period.

If an emergency arises during an employee's probationary period which requires an unpaid leave of absence, such time off, if granted, will not be considered as time worked, and the probationary period will be extended by the length of time taken.

In the first few months, you will meet with your Supervisor frequently to discuss your progress and at six months, you will have a formal review.

Section 3.48 Transfer

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

Section 3.49 Veteran

Any individual who meets the definition of "veteran" set forth in Minn. Stat. § 197.447, § 43A.11 and § 197.455 of the Veterans Preference Act.

Section 3.50 Veteran's Preference

Preference granted to veterans as required by Minn. Stat. § 197.447, § 43A.11 and § 197.455.

Section 3.51 Weapons

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

Section 3.52 Workweek

A workweek is seven consecutive 24-hour periods (168 hours) generally beginning at 12:01 a.m. each Sunday and ending at 11:59 p.m. the following Saturday . For most employees the workweek will run from Sunday through the following Saturday. With the approval of the City Administrator, departments may establish a different workweek based on coverage and service delivery needs (e.g., police department, fire department, park and recreation department).

Article IV. EMPLOYEE RECRUITMENT & SELECTION

Section 4.01 Scope

Human Resources will manage the hiring process for positions within the City. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve all hires to City employment. All hires will be made according to merit and fitness related to the position being filled.

Section 4.02 Nepotism

The City of Grand Rapids selects the best qualified person for each available position from among applicants who have proper qualifications or credentials. The administration of this policy is an important responsibility of each City department.

The City will not employ two members of the same immediate family under any one of the following circumstances:

- Where one employee would supervise or have the authority to appoint, remove, or discipline a member of his/her immediate family. Supervision will include, but not be limited to, all direction and control of work; performance appraisal, determinations with regard to merit pay, promotions, transfers, leaves of absence, paid time off, and all disciplinary actions.
- Where one employee will be responsible for auditing the work of another member of his/her immediate family.
- Where there is a potential appearance of inappropriate influence.
- Where the confidentiality of the City may be compromised.

This policy shall not only include looking at the reporting relationship of the immediate family members at the time of initial hiring, but continued review of their responsibilities as they may be promoted, transferred, or when a conflict of interest exists.

As circumstances may change, proper interpretation, consideration, and transfers may be required. If such transfers are in order, one of the employees will be reassigned as soon as reasonably practical.

The City Administrator, Human Resources Officer, and Department Head will make the decision regarding who will be reassigned, and the nature of such assignment, will depend upon the availability of positions for which the affected employees are qualified.

Immediate Family Member Defined: The term “immediate family” when used in this policy shall mean any two or more individuals who reside in the same dwelling unit or who are related to each other by blood, marriage, or adoption. An immediate family member is defined as the following relatives of either the employee, the employee’s spouse, the elected or appointed official, or the elected or appointed official’s spouse:

- Parent or Parent-in-Law
- Stepparents and/or Legal Guardians
- Brother or Sister
- Brother-in-Law or Sister-in-Law
- Child
- Son-in-Law or Daughter-in-Law
- Stepchild
- Grandchild
- Grandparent
- Aunt or Uncle
- Niece or Nephew

This policy shall not apply to the hiring of paid on-call firefighters.

Section 4.03 Features of the Recruitment System

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

Application for employment will generally be made online or by application forms, including any supplemental questionnaires, provided by the City. Other materials in lieu of a formal application may be accepted in certain recruitment situations, as determined by the City Administrator or designee. All candidates must complete and submit the required application materials by the posted deadline, in order to be considered for the position. The deadline for application may be extended by the City Administrator. Unsolicited applications will not be kept on file.

Position vacancies may be filled on an “acting” basis as needed. The City Council will approve all acting appointments. Pay rate adjustments, if any, will be determined by the City Council.

Section 4.04 Recruitment

The Human Resources Officer shall prepare a notice of position opening. This notice will include the description of the responsibilities and essential duties of the position, qualifications necessary to fill the position, the typical beginning salary range, and summary of benefits offered. The notice of position vacancy will be posted and advertised in accordance with the Affirmative Action Policy and in such a manner that will provide open competition of qualified candidates. No preference in hiring is given to relatives of current employees or elected officials.

The process for hiring seasonal and temporary employees may be delegated to the appropriate Supervisor with each hire subject to final City Council approval. Except where prohibited by law, seasonal and temporary employees may be terminated by the Supervisor at any time, subject to City Council approval.

Whenever possible, consistent with the needs of the City and the skills and experience of employees, the City will promote from within. Transfers will be based on the needs of the City.

All regular exempt and non-exempt job openings shall be posted and advertised in accordance with the Affirmative Action Policy and in such a manner that will provide open competition of qualified candidates. Jobs are posted on bulletin boards for employees to review. The bulletin boards are located outside the employee lunchroom. Job postings remain on the board until the position posting closes.

Employees who have been in their current position for at least six months may apply for internal job openings. This requirement may be waived with the consent of the employee's Department Head and administration. Employees must complete an employment application. The form should be completed and turned into Human Resources before the position posting close date. All applicants for a posted vacancy will be considered on the basis of their qualifications and ability to perform the job successfully. Internal candidates who are not selected will be notified by Human Resources. Once transferred to a new position, employees will enter into an introductory period for the new position.

Section 4.05 Testing and Examinations

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

- Keyboarding exercises for data entry positions.
- Writing exercises for positions requiring writing as part of the job duties.
- "In-basket" exercise for an administrative support position (sets up real-life scenarios and items likely to be given to the position for action and asks the candidate to list and prioritize the steps they would take to complete the tasks).

- Mock presentation to the City Council for a planning director position, for example.
- Scenarios of situations police officers are likely to encounter on the job testing the candidate's decision-making skills (can be role played or multiple-choice questions).

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

The City Council or designee will establish minimum qualifications for each position with input from the appropriate Supervisor. To be eligible to participate in the selection process, a candidate must meet the minimum qualifications.

Section 4.06 Pre-Employment Medical Exams

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

When a pre-employment medical exam is required, it will be required of all candidates who are offered employment for a given job class. The offer of employment will be contingent upon successful completion of the medical exam, and candidates will not be asked to complete the required medical examination until a conditional offer of employment is made. Information obtained from the medical exam will be treated as confidential medical records.

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

If the candidate requires accommodation to perform one or more of the essential functions of the job, the City Administrator or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, they will be notified of this determination.

Section 4.07 Selection Process

The selection process will be a cooperative effort between Human Resources and the hiring Supervisor, subject to final hiring approval of the City Council. Any, all, or none of the candidates may be interviewed.

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

Section 4.08 Background Checks

All offers of employment with the City are conditional upon successful completion of a background check. Performing the background check is used to verify information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the City Administrator will determine the level of background check to be conducted based on the position being filled.

Section 4.09 Eligibility List

The Human Resources Officer may create and maintain a list of eligible candidates for a position based upon open competitive or promotional examinations for the position. Only candidates meeting the minimum qualifications of the position may be placed on the eligibility list. The Human Resources Officer shall determine the period of time an eligibility list shall remain in effect. The eligibility list shall not remain in effect for more than two years. When an eligibility list exists for any class and Human Resources deems it necessary to establish another such list for the same position, the existing list may be canceled.

Section 4.10 Notification of Appointment

The Human Resources Officer will notify the candidate selected for appointment in writing. The notification will also include the employment starting date, working hours and salary. Human Resources shall notify those candidates interviewed but not selected and the remaining candidates who were not selected in writing.

All offers of employment for safety-sensitive positions requiring candidate medical examinations, drug testing, and motor vehicle license check, or any other appropriate job-related pre-employment inquiries, are strictly conditional based upon inquiry results.

Section 4.11 Tennesen Warning

Every department that collects private data (as defined by the Minnesota Government Data Practices Act) from an individual concerning himself/herself shall, prior to collecting the data, inform the individual of his/her rights as a subject of data. These rights are referred to as the "Tennesen Warning".

A Tennesen Warning is not required when private data are collected from an individual who is not the subject of the data.

The Tennesen Warning consists of the following information, which must be communicated to the individuals from whom private data concerning the individual are collected:

- The purpose and intended use of the requested private data.
- Whether the individual may refuse or is legally required to supply the data.
- Any known consequences arising from the individual's refusing to supply private data.
- The identity of other individuals, entities, or persons authorized by State or Federal laws to receive the data.

Any City Council that regularly collects private personnel data shall use a written Tennessee Warning, a copy of which shall be on file in the Human Resources Department.

Section 4.12 Personnel Records

The City of Grand Rapids maintains relevant data concerning all employees from the time they apply for work through their termination. The primary reason for collecting and maintaining this data is to provide accurate information to management and all government agencies to comply with all laws. Further, because the City respects the confidentiality of each employee, employee personnel files will be administered and maintained in accordance with all applicable laws.

Employees have the responsibility to notify Human Resources of any changes in personnel data. Personal mailing addresses, marital status (including legal separation), telephone numbers, number and names of dependents and/or individuals to be contacted in the event of emergency, educational accomplishments and other such status reports should be accurate and current at all times. All qualifying family status changes for the purpose of some benefit plans must be made within 30 days of the qualifying event.

Personnel files are the property of the City. Any review of the personnel files, by either an employee or other person, will be in the Human Resources area and the files must remain there.

Section 4.13 Training/Probationary Period

The training/probationary period is an integral part of the selection process and will be used for the purpose of closely observing the employee's work and for training the employee in work expectations.

Training periods apply to new hires, transfers, promotions, and rehires. A six-month period at the start of employment with the City (or at the beginning of a promotion, reassignment, or transfer) shall be designated as a period within which to learn the job.

In some instances, a probationary period may be longer than six-months, when covered by a collective bargaining agreement stating a different time frame.

Training periods may be extended by, for example, an unpaid leave of absence.

Article V. ORGANIZATION

Section 5.01 Job Descriptions

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

A job description is prepared for each position within the City. Each job description typically includes position title, department, Supervisor's title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position. Dependability and compliance with work rules and policies are essential functions of all City positions.

Generally, prior to posting a vacant position, the existing job description is reviewed by Human Resources and the hiring Supervisor to ensure the job description is an accurate reflection of the position and the stated job qualifications do not present artificial barriers to employment.

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

Section 5.02 Assigning and Scheduling Work

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

Section 5.03 Job Descriptions and Classifications

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of Human Resources.

Section 5.04 Layoff

In the event it becomes necessary to reduce personnel, temporary employees and those serving a probationary period in affected job classes, will be terminated from employment with the City before other employees in those job classes. Within these groups, the selection of employees to be retained will be based on merit and ability as determined by the City Administrator, subject to approval of the City Council. When all other considerations are equal, the principle of seniority will apply in layoffs and recall from layoffs.

Employees covered by a collective bargaining agreement may be subject to a different procedure and should refer to the language in the respective collective bargaining agreement.

Section 5.05 Recall

Human Resources will maintain a list of regular City employees on layoff status. Such employees may be considered eligible for reinstatement for 24 months following layoff, or for a length of time equal to their length of service with the City, whichever is less.

Section 5.06 Reference Checks

All reference requests and inquiries regarding employees should be directed to Human Resources. No employee may provide a letter of reference for any current or former employee without permission from the Human Resources Officer. The City will use a standard employee reference system for former and terminating employees in order to eliminate any possible legal exposure to the City. Limited information regarding current or past employees will be provided unless written consent to release more information is received.

If someone desires to respond to request for personal references in a manner other than that noted above, such responses must be issued on personal stationery and not City letterhead. It should be understood that in making such a response, the person is not acting within the scope of his employment with the City and will not be provided with defense or indemnification by the City if a lawsuit is brought regarding such response.

Article VI. HOURS OF WORK

Section 6.01 Work Hours

Employee work schedules will be established by Supervisors with the approval of the City Administrator. The regular workweek for employees is five eight-hour days in addition to a lunch period, Monday through Friday, except as otherwise approved by the City Administrator, in accordance with the customs and needs of the individual departments.

Your Supervisor will advise you when your schedule will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variation in the total hours that may be scheduled each day and week. You will receive notice of changes in the work schedule as far in advance as is reasonably practical.

Non-exempt employees, those employees eligible for overtime pay, are not authorized to take work home or work through lunch without advance prior approval from their Supervisor.

In order to comply with law while avoiding penalties, part-time employees will be scheduled with business needs in mind and in a manner that ensures positions retain part-time status as intended.

Section 6.02 Core Hours

To ensure employee availability and accountability to the public the City serves, all full-time employees (exempt and non-exempt) are to generally be at work or available to the public and

co-workers during the hours of 8 a.m. to 4:30 p.m., Monday through Friday, unless away from the work site for a work-related activity or on approved leave. Core hour schedules may be adjusted at the discretion of the Department Head with City Administrator approval.

Section 6.03 Schedules for Exempt Employees

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

The normal hours of business for exempt staff are Monday through Friday, 8 a.m. to 4:30 p.m., plus evening meetings as necessary.

Exempt employees are required to use paid leave when on personal business or away from the office for four (4) hours or more, on a given day. Absences of less than four hours do not require use of paid leave, as it is presumed that the staff member regularly puts in work hours above and beyond the normal 8 a.m. to 4:30 p.m. Monday through Friday requirement. Exempt employees must communicate their absence to the City Administrator or their designee.

If one of the above employees is regularly absent from work under this policy and it is found there is excessive time away from work that is not justified, the situation will be handled as a performance issue.

If it appears that less than forty hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to determine whether a part-time position will meet the needs of the City. Additional notification and approval requirements may be adopted by the City Administrator for specific situations as determined necessary.

Exempt positions may require work beyond forty (40) hours per week. In recognition for working extra hours, these employees may take some time off during their normal working hours without using paid time off (PTO), with Supervisory approval. The time off for extra hours will not be on a one-for-one basis.

Section 6.04 Part-time, Seasonal and Temporary Positions

In order to comply with law while avoiding penalties, permanent part-time employees will be scheduled with business needs in mind and in manner that ensures positions retain part-time status under which intended. Employees in permanent part-time and temporary positions will not be permitted to work more than 28 hours/week, including hours worked and paid leave (such as paid time off or holiday leave).

All shifts, including schedule trades or picked-up shifts, must be pre-approved by the Supervisor. Unpaid furloughs may be imposed on employees who exceeds 28 hours/week. Working a shift without prior approval may result in discipline, up to and including termination of employment.

In some rare instances, a part-time, seasonal or temporary employee may be offered health insurance in order to comply with federal health care reform laws and regulations.

Seasonal employees may be assigned to a full-time or part-time schedule.

Section 6.05 Meal Breaks and Rest Periods

A paid rest break of at least fifteen minutes or enough time to utilize the nearest convenient restroom (whichever is longer) is allowed within each four consecutive hours of work. Effective January 1, 2026, an unpaid thirty-minute lunch period is provided when an employee works six or more consecutive hours. Non-exempt employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time, or lunch time by saving these breaks. The lunch period will be paid in instances where an employee is not completely relieved of work duties.

Employees working in City buildings will normally take their break at the place provided for that purpose in each building. Employees working out-of-doors will normally take their break at the location of their work.

Employees whose duties involve traveling throughout the City may stop along the assigned route at a restaurant or other public accommodation for their fifteen-minute break. Exceptions must be approved by the Supervisor or City Administrator.

Departments with unique job or coverage requirements may have additional rules, issued by the Supervisor and subject to approval of the City Administrator, on the use of meal breaks and rest periods.

Section 6.06 Attendance and Punctuality

The success of our City depends greatly on our employees. All employees are encouraged to have habits of good attendance and punctuality. As such, employees are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time. From time to time, an instance may arise when you may be away from work due to circumstances beyond your control. Appointments must be scheduled outside of working hours whenever possible.

If there is an absence of two consecutive workdays without notifying your Supervisor, it may result in discipline up to and including termination. Poor attendance records cannot be condoned and an employee with a record of excessive absenteeism or tardiness may be subject to disciplinary action or termination.

Supervisors will take corrective action for absences, tardiness, leaving early or abusing break times. Management reserves all rights to determine when disciplinary action is needed and to

what extent. Factors such as individual circumstances, job performance, etc. may be considered in making such decisions.

Notification for Absence or tardiness

You must notify your Supervisor (or another Supervisor that has been previously designated) if you are unable to report to work or if you will arrive late. Contact your Supervisor as soon as you know of your inability to report on time. At a minimum, you should call by the start of your shift.

If you are unable to call in yourself, please have someone call in on your behalf. It is your responsibility to ensure that your Supervisor is aware of your absence or late arrival.

Section 6.07 Adverse Weather Conditions

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work (or leave early). Employees not reporting to work for reasons of personal safety will not normally have their pay reduced as a result of this absence. Employees will be allowed to use eligible ESST hours, accrued paid time off (PTO), or compensatory time, if applicable, or with Supervisor approval, may modify the work schedule or make other reasonable schedule adjustments.

In the event of inclement weather, the City Council authorizes the City Administrator, and if the City Administrator cannot be reached, the Chief of Police and if the Chief of Police is unable to be contacted the City Engineer/Public Works Director to determine whether an emergency exists in which the public interest will be best served by the closing of a City office or offices.

In the event the City closes due to weather or other public emergency, see Article XIII: Leave and Leave of Absence section 13.02 for Earned Sick and Safe Leave.

Sworn police officers and public works maintenance employees will generally be required to report to work regardless of conditions. See Article XIII: Leaves of Absence, section 13.02 for more information on the Earned Sick and Safe Time weather event exception.

Employees covered by a collective bargaining agreement may be subject to different language in the respective collective bargaining agreement. To the extent the terms of the Adverse Weather Conditions Policy are inconsistent with other provisions of the City's personnel policy, the terms of the collective bargaining agreement shall govern.

Decisions to cancel departmental programs (special events, recreation programs, etc.) will be made by the respective Supervisor or the City Administrator.

Section 6.08 Closing of City Offices due to Weather Emergency

If a City office **is closed** due to a weather emergency, subject to the requirement of state and federal law, the following shall apply:

- If employees are released before the start of a work shift, non-exempt employees will not be paid for that shift except by using accumulated compensatory time, earned PTO, documented extended medical benefit or leave without pay or by making up the time by balancing hours within the current workweek as authorized by their Department Head or City Administrator. Employees are expected to listen to 96.9 KMFY-FM radio for announcements of closings of City facilities and are not to report to work if their work site is not open. If notice of closing has not been broadcast by 7:15 A.M. of the workday, employees shall assume that the City facilities will be open. Employees reporting to work when a public announcement has been issued by 7:15 A.M. of the workday that their workstation is closed could make up the time that day only with authorization by their Department Head or City Administrator.
- If employees are released during a work shift, non-exempt employees on duty will be paid for hours actually worked and will be paid for the remainder of that work shift.
- Those employees required by the City Administrator to work during severe weather due to the nature of their job responsibilities such as certain Police and Public Works employees shall be paid.
- Employees and citizens may be advised not to leave the premises because of severe weather or other emergency conditions, such as tornadoes, continuing after regular office hours. Simply remaining on the premises after hours will not entitle employees to overtime compensation.

When a City office or offices have not been officially closed during inclement weather, the following policy shall apply:

Inclement Weather – City Offices not officially closed

When a City office or offices **have not been officially closed** during inclement weather, the following policy shall apply:

- Employees who, because of inclement weather, report to work after the start of their scheduled work shift may use accumulated compensatory time, earned PTO or leave without pay or by making up the time by balancing hours within the current work week as authorized by their Department Head or City Administrator.
This provision is subject to the employee reaching agreement with the Department Head or City Administrator as to the severity of the inclement weather. This provision shall not apply to those employees whose job duties require working during inclement weather.

- At the discretion of the Department Head or City Administrator, employees who desire to leave work early because of inclement weather may make up lost hours by using accumulated compensatory time, earned PTO or leave without pay or by making up the time by balancing hours within the current work week as authorized by their Department Head or City Administrator. This provision is subject to the employee reaching agreement with their Department Head or City Administrator as to the severity of the inclement weather. The Department Head or City Administrator will assure there is sufficient staff on duty for the department to function.

Section 6.09 Closing of City Offices Due to Bomb Threat or Other Threat to Public Safety

If a City Building is officially closed because of a bomb threat or other public safety threat before it is open for business or after it is open for business but before 12:00 P.M., the following shall apply:

- Employees are expected to listen to 96.9 KMFY-FM radio for an announcement of reopening.
- If the building is not reopened during the same business day and the employees are not directed to a different work site, the employees shall be paid for their full shift as if they had worked it.
- If the building is reopened for business later that day, employees who report to work at the designated time will be paid for their full shift as if they had worked it. Employees who do not return to work or who report after the designated time may use accrued paid time off or compensatory time to replace work hours lost. If there is no accrued paid time off or compensatory time, the employee may take leave without pay or, with Supervisory approval, the employee may make up the time later.

If the building closes at 12:00 P.M. or later and the employees are sent home, the employees shall be paid for their full shift as if they had worked it.

If a City building is not closed or evacuated, but the employee is anxious or fearful and requests to leave, the Supervisor may permit it unless the employee is classified as an “essential” employee or minimum staffing levels cannot be met if the employee leaves. In order to be paid for the time away from work, the employee may use accrued paid time off or compensatory time.

Article VII. REPORTING HOURS WORKED AND TIME

Section 7.01 Time Reporting

Accurately recording time worked is the responsibility of every employee. Federal and state laws require employers to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is time actually spent on the job performing assigned duties.

Hourly employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period on their timesheets. They must also record the beginning and ending time of any split shift. Overtime work must always be approved before it is performed. Timecards are to be submitted to payroll no later than the Monday preceding the payday unless otherwise instructed.

Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. In most cases, this will be 40 hours per workweek. Non-exempt employees will be paid according to the time reported on their time sheets.

To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked, and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a weekly or bi-weekly basis.

Each time reporting form must include the electronic authorization of the employee and immediate Supervisor. Reporting false information, tampering, or altering information on a time sheet may result in disciplinary action up to and including termination.

It is the responsibility of the employee to certify the accuracy of all time worked and all time recorded on time sheets. Supervisors will review and electronically authorize payment for the time worked.

Section 7.02 Overtime

The City of Grand Rapids has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Administrator will determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime.

In general, employees in executive, administrative, and professional job classes are exempt; all others are non-exempt.

Section 7.03 Non-Exempt (Overtime-Eligible) Employees

All overtime-eligible employees will be compensated at the rate of time-and-one-half for all hours worked over 40 in one workweek. Paid time off (PTO) and paid holidays do not count toward “hours worked.”

Compensation will take the form of either time-and-one-half pay or compensatory time. Compensatory time is paid time off at the rate of one-and-one-half hours off for each hour of overtime worked.

For most employees the workweek begins at midnight on Sunday and runs until the following Saturday night at 11:59 p.m. Supervisors may establish a different workweek based on the needs of the department, subject to the approval of the City Administrator.

The employee's Supervisor must approve overtime hours in advance. An employee who works overtime without prior approval will be paid accordingly but may be subject to disciplinary action.

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

The maximum compensatory time accumulation for any non-represented employee is 40 hours per year. Once a non-represented employee has earned 40 hours of compensatory time in a calendar year, no further compensatory time may accrue in that calendar year. All further overtime will be paid. Employees may request and use compensatory time off in the same manner as other leave requests. Bargaining unit employees may refer to their respective bargaining agreement for compensatory time accumulation, usage, and payment.

All compensatory time will be marked as such on official time sheets, both when it is earned and when it is used. Payroll software will maintain the compensatory time records. All compensatory time accrued will be paid when the employee leaves City employment at the hourly pay rate the employee is earning at that time.

Section 7.04 Exempt (Non-Overtime-Eligible) Employees

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their Supervisors.

Generally, to meet these expectations, and for reasons of public accountability, an exempt employee will need to work 40 or more hours per week. Exempt employees do not receive extra pay for the hours worked over 40 in one workweek.

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

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

- The employee is in a position that does not earn paid time off (PTO) and is absent for a day or more for personal reasons other than sickness or accident.
- To offset compensation received for military pay. If an employee works part of the week in military service, the City still must pay the entire week salary to the employee, but the City could offset the amount of the military pay for the week against the employee's salary.
- The employee is in a position that earns paid leave, ESST, receives a short-term disability benefit or workers' compensation wage loss benefits, and is absent for a full day due to

sickness or disability, but they are either not yet qualified to use the paid leave, or they have exhausted all of their paid leave.

- The employee is absent for a full work week and, for whatever reason, the absence is not charged to paid leave (for example, a situation where the employee has exhausted all of their paid leave or a situation where the employee does not earn paid leave).
- The very first workweek or the very last workweek of employment with the City in which the employee does not work a full week. In this case, the City will prorate the employee's salary based on the time actually worked.
- The employee is in a position that earns paid leave and is absent for one or more full days due to personal reasons, illness, or injury, but:
 - Paid leave has not been requested or has been denied.
 - Paid leave is exhausted.
 - The employee has specifically requested unpaid leave.
- The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
- The employee takes unpaid leave under the FMLA.
- The City of Grand Rapids may, for budgetary reasons, implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

If the City inadvertently makes an improper deduction to the weekly salary of an exempt employee, the City will reimburse the employee and make appropriate changes to comply in the future. If an employee thinks that a wage deduction was made in error, please contact Human Resources promptly.

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

Article VIII. COMPENSATION

Full-time employees of the City will be compensated according to schedules adopted by the City Council. An employee's performance will be a factor in determining their pay in accordance with the City's adopted classification and compensation plan. Unless approved by the Council, employees will not receive any amount from the City in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

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

Under the Minnesota Wage Disclosure Protection Law, employees have the right to tell any person the amount of their own wages. While the Minnesota Government Data Practices Act (Minn. Stat. § 13.43), specifically lists an employee's actual gross salary and salary range as public personnel data, Minnesota law also requires wage disclosure protection rights and remedies to be included in employer personnel handbooks. To that end, and in accordance with Minn. Stat. § 181.172, employers may not:

- Require nondisclosure by an employee of their wage(s) as a condition of employment.
- Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages.
- Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- Retaliate against an employee for asserting rights or remedies under Minn. Stat. § 181.172, subd. 3.

The City cannot retaliate, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for disclosing their own wages. An employee's remedies under the Wage Disclosure Protection Law are to bring a civil action against the City and/or file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5075 or (800) 342-5354.

Section 8.01 Exempt and Non-Union Employee Compensation Administration

Policy:

The City intends to establish and maintain a compensation program for exempt employees, which will serve to attract and retain a fully qualified workforce capable of achieving the City's goals and carrying out its plans and programs.

The City recognizes that the successful administration of exempt employee compensation, while greatly aided by written procedures, requires skill and judgment to ensure the best interests of the City, its population, overall workforce, and individual employees are considered, and are in proper balance with one another. Accordingly, the City Administrator is empowered to apply this policy and related procedures with discretion, subject to the City's general governance procedures.

Procedure:

The City Administrator is responsible for ensuring that a copy of the City's exempt compensation program, including the current salary grade and range structure, this policy, and all written

practices pertaining to the program, be on file in the City's offices and be made available for public review.

The Human Resources Officer is responsible for:

- Monitoring the effectiveness of this policy and related practices, and reporting the results of her/his assessment, including recommendations for additions or modifications, annually to the City Administrator;
- Communicating this policy and related practices, including additions and modifications, to City employees holding positions of department director level of responsibility, and all positions having Supervisory responsibility for one or more City staff employees;
- Serving as the initial contact person for department director level, all Supervisory employees, and all exempt employees to address questions of the intent, objectives, and application of this policy and related practices.
- Apprising and gaining the involvement of the City Administrator as necessary on all matters of interpretation of this policy and related practices.
- The City Administrator or his/her designee is responsible for apprising the Council as necessary on all matters related to the application and interpretation of this policy and related practices on an as-needed basis.

Department directors are responsible for:

- Communicating this program's major features to their exempt employee staff members;
- Carrying out their responsibilities defined in this policy and accompanying practices; and
- Supporting and promoting the scope and objectives of the program.

Section 8.02 Authorization of New Position

Objective:

To ensure that the addition of new positions is managed and controlled in a manner consistent with the City's needs, budget, and human resources programs.

Practice and Procedure:

Department director level personnel are responsible for initiating requests and developing supporting rationale for the addition of new positions necessary to carry out the responsibilities of their function.

The Human Resources Officer is responsible for providing information, guidance, and advice regarding newly proposed employees. This assistance may include:

- Communicating the timing and due dates for required supporting documentation;

- Researching competitive salary rates for similar positions in comparable cities;
- Guiding department directors in the completion of a position description;
- Coordinating an initial job evaluation and salary grading for proposed positions.

The City Administrator is responsible for recommending new position requests after reviewing the request and supporting documentation in relation to other requests during the City's annual budget process.

In extraordinary circumstances, requests for new positions occurring outside of the annual budget process will be considered by the City Administrator and, if warranted, brought forward to Council for review and approval.

Section 8.03 New Employee Starting Compensation Offers

Objective:

To define the conditions and procedures for determining a new employee's initial salary at a level which effectively supports recruiting objectives, and which is consistent with the City's fiscal needs.

Practice and Procedure:

The starting rate of compensation should reflect a new employee's qualifications in relation to the requirements described in their job description and the salary range applicable to the job.

The Supervisor to whom the new employee will report is responsible for initiating a recommendation for a starting salary offer with the assistance of administration and Human Resources.

Normally, starting salary offers are expected to be below the middle of the salary range for the job. Candidates with qualifications that match the minimum requirements for the position are normally paid at or near the minimum of the salary range for the position. Candidates whose qualifications clearly exceed the minimum requirements for the position can be offered a starting salary up to the maximum of the salary range for the position.

The City Administrator is responsible for reviewing and approving salary offer recommendations with consultation and assistance of the Human Resources Officer.

The City Administrator is responsible for recommending new hire starting salary offers to the Council if the offer amount exceeds the maximum of the salary range for the position.

The Human Resources Officer is responsible for communicating approved new hire starting salary offers through a written offer letter. The Human Resources Officer should communicate the status of salary offers to the Department Head.

Section 8.04 Market Rate Adjustments

Objective:

To define the conditions and procedures for periodically adjusting employee rates of pay to maintain the competitiveness of the compensation of City employees.

Application:

To be eligible for a market rate adjustment an exempt and/or non-union City employee must have satisfactory job performance as documented in an annual performance evaluation.

Practice & Procedure:

1. The City Administrator, with the assistance of the Director of Human Resources, is responsible for developing appropriate recommendations and budget for market rate adjustments in concert with the City's annual budget planning processes. Recommendations for market rate adjustments reflect the total available funds for salary adjustments, the competitiveness of the City's compensation, and the recommended budget for performance-based increases (See Section 8.06, Performance-Based Salary Adjustments).
2. The City Administrator and Human Resources Officer are responsible for preparing and presenting proper documentation of market rate adjustments for review and approval by the Council as part of the City's annual budget process.
3. The Human Resources Officer is responsible for documenting approved market rate adjustments by applying adjustment factors to current salary ranges and communicating revised ranges to department directors.
4. Market rate adjustment percentage factors are applied to the current salary rates for all eligible employees and are implemented upon approval by the Council.
5. Employees who are ineligible for a market rate adjustment (because of unsatisfactory job performance) will receive applicable wage adjustments at mid-year if their performance has become satisfactory as documented in a mid-year performance evaluation.
6. The Human Resources Officer is responsible for documenting approved market rate adjustments for each individual eligible employee and for communicating the employee's new rate of salary to department directors.
7. Department directors are responsible for communicating the amount and percent of market rate adjustment to impacted employees prior to the first paycheck that will be affected by the adjustment.

Section 8.05 End of Training Period Salary Adjustments

Objective:

To define the conditions and procedures for employee pay adjustments in recognition of their completion of their new hire introductory period.

Application:

This practice applies to exempt employees. To be eligible for an introductory period salary adjustment an employee must:

- Have completed their new hire introductory period after the effective date of this practice (see below); and
- Have had satisfactory job performance during their introductory period as documented in a performance evaluation.

Introductory period salary adjustments do not apply to employees new in their position due to promotion, re-classification or demotion.

Practice and Procedure:

1. The Human Resources Officer and City Administrator are responsible for developing and maintaining guidelines and requirements for introductory period salary adjustments, including general descriptors or indicators of performance needed for an employee to be eligible for an introductory period salary adjustment. General requirements for introductory period salary adjustment eligibility may include, but are not limited to:
 - Satisfactory or above performance in ongoing areas of responsibility;
 - Satisfactory or above accomplishment of key department priorities.
2. Department directors are responsible for developing and documenting recommendations for introductory period salary adjustments for their staff members using the approved guidelines, with the assistance of the Human Resources Officer.
3. The City Administrator and Human Resources Officer are responsible for preparing and presenting summary documentation of proposed introductory period salary adjustments for review and approval of the Council.
4. The Human Resources Officer is responsible for applying introductory period salary adjustment dollar or percentage factors to the current salary rates of affected eligible employees and communicating the results to department directors upon their approval by the Council.

Section 8.06 Promotion Salary Adjustments

Objective:

To define the conditions for reviewing and adjusting an employee's salary rate when he/she is assigned to a position having a higher salary grade than his/her current salary grade.

Application:

To be eligible for a promotion adjustment, an employee must have been in their current position and salary grade for at least six months. This requirement may be waived with the consent of the employee's Department Head and Administration.

Employees must complete an employment application or submit a letter of intent to post. The form or letter should be completed and turned into Administration before the position posting close date. All applicants for a posted vacancy will be considered based on their qualifications and ability to perform the job successfully. Internal candidates who are not selected will be notified by Administration. Once transferred to a new position, employees will enter into an introductory period for the new position.

Following are some of the factors that are taken into account by the City when considering an employee for a promotion or transfer:

- Proven work performance
- Ability to perform the work
- Meet all minimum requirements of the new position
- Knowledge, skills and abilities
- Attendance and punctuality record.

Practice and Procedure:

1. A promotion increase occurs when an employee is reassigned to a new position with a higher salary grade than the grade for the employee's current job.
2. Promotion pay adjustments are effective upon approval by the Council.
3. The Human Resources Officer is responsible for developing and documenting recommendations for promotion increases.
4. The City Administrator is responsible for reviewing and approving promotion increases, and for recommending their approval by the Council.
5. Department directors or Supervisors of exempt employees are responsible for communicating the amount and percent of an employee's promotion increase prior to the first paycheck that will be affected by the adjustment.

Section 8.07 Re-Classification Salary Adjustments**Objective:**

To define the conditions for reviewing and adjusting an employee's salary rate when the salary grade for the employee's job assignment is changed because of job evaluation/re-evaluation.

Practice and Procedure:

1. A re-classification salary adjustment occurs when the salary grade for the employee's current job is increased or decreased as a result of the re-evaluation of their job to reflect a change of responsibilities which have occurred over a period of time.
2. Re-classification salary adjustments are effective upon approval by the Council.
3. The Human Resources Officer is responsible for developing and documenting recommendations for re-classification salary adjustments.
4. The City Administrator is responsible for reviewing and approving re-classification salary adjustments, and for recommending their approval by the Council.
5. Department directors or Supervisors of exempt employees are responsible for communicating the amount and percent of an employee's re-classification salary adjustment prior to the first paycheck that will be affected by the adjustment.

Section 8.08 Demotion Salary Adjustments

Objective:

To define the conditions for reviewing and adjusting an employee's salary rate when he/she is assigned to a position having a lower salary grade than his/her current job's salary grade.

Practice and Procedure:

1. A demotion salary adjustment occurs when any of the following take place:
 - An employee is reassigned to a new position with a lower salary grade than the grade for the employee's current job; or
 - An employee voluntarily demotes to a position with a lower salary grade than the grade for his/her current job.
2. Demotion pay adjustments are effective upon approval by the Council.
3. The Human Resources Officer is responsible for developing and documenting recommendations for demotion pay adjustments.
4. The City Administrator is responsible for reviewing and approving promotion increases, and for recommending their approval by the Council.
5. Department directors or Supervisors of exempt employees are responsible for communicating the amount and percent of an employee's demotion decrease prior to the first paycheck that will be affected by the adjustment.

Article IX. EMPLOYEE PAY

Section 9.01 Paychecks

Paychecks will be distributed bi-weekly on Friday via direct deposit. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Pay periods run from Sunday to Saturday.

Paychecks will not be given to anyone other than the person for whom they were prepared, unless the person has a note signed by the employee authorizing the City to give the other person the check. Checks will be given to the spouse, or another appropriate immediate family member, in the case of a deceased employee.

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

When paydays fall on a holiday, checks (via direct deposit) are normally issued the day before the holiday.

Section 9.02 Direct Deposit

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

Section 9.03 Improper Deduction and Overpayment Policy

If an employee believes that an improper deduction or overpayment, or another type of error, has been made, they should immediately contact Human Resources. If the City determines it has made an improper deduction from a paycheck, it will reimburse the employee for the improper amount deducted and take good faith measures to prevent improper deductions from being made in the future.

In cases of improper overpayments, employees will be requested to sign a Consent to Pay Reduction form. This will identify the error, how much, and over how many pay periods repayment will be made. Repayments to the City via payroll deduction must be repaid within the same tax year. Once the overpayment has been recovered in full, the employee's year to date earnings and taxes will be adjusted (so that the year's Form W-2 is correct) and the paying department will receive the corresponding credit.

In the exceptional situation where the overpayment occurs in one tax year and is not discovered until the next year, the overpayment must be repaid in the year it is discovered, but there will be additional steps and paperwork required.

Any overpayments not repaid in full within the calendar year of the overpayment are considered "prior year overpayments" and the employee must repay not only for the net amount of the overpayment, but also the federal and state taxes the City has paid on their behalf.

The City is able to recover the overpaid Social Security and Medicare taxes. Accordingly, the City will not require the employee to repay those taxes provided the employee provides a written statement that they will not request a refund of the taxes. The overpayment amount will remain

taxable in the year of the overpayment since the employee had access to the funds. The employee is not entitled to file an amended tax return for the year but may be entitled to a deduction or credit with respect to the repayment in the year of repayment. Employees should contact their tax advisors for additional information.

In the event underpayments are identified, the underpayment(s) will be corrected in the next regular paycheck, unless there is a significant error. In this situation, a special pay cycle may be run.

If overpayments are identified, the employee will be requested to sign a Consent to Pay Reduction form. This form will identify the error, how much, and over how many pay periods repayment will be made.

Section 9.04 Payroll Deductions

The City is required by law to make certain deductions from your paycheck. The amount of these deductions will vary depending on how much you earn and how you have completed your federal and state W-4 forms. Your pay stub will show you exactly what deductions have been taken from your pay.

You will want to keep your check stub as a permanent record. Some examples of deductions are:

- Federal income tax
- Federal Social Security (FICA and Medicare)
- State Income tax
- Child Support withholding
- HCSP Contributions
- Garnishments
- PERA (for eligible employees only)

Other deductions are optional and will be taken only if you have given the City written authorization for the deduction such as medical insurance, flexible spending account, deferred compensation, etc.

Paid staff should keep an accurate record of the number of hours worked each pay period, and always be familiar with the basis on which they are paid. To help you in keeping such records, the check stub itemizes base pay, overtime, paid time-off and shift differential pay separately. Any error made on your paycheck should be reported immediately to the payroll department.

Section 9.05 Expense Reimbursement

Relocation and moving:

In unique situations, the City Council may authorize reimbursement for all or a portion of relocation expenses for a new hire selected from outside the Grand Rapids area. The Council will determine the types of relocation expenses and the maximum amount allowable on a case-by-case basis prior to the appointment being made.

Training:

Employees attending approved courses, trade shows, benchmarking trips or seminars where they have been selected to attend by their Department Head will receive pay for the conference hours scheduled for that day. Tuition will be paid in advance. Mileage and normal business meal expenses will be reimbursed.

Travel (mileage, lodging and meals):

The City 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.

If you are required to travel during the course of your job, mileage you accumulate on your personal vehicle will be reimbursed. A travel expense form should be completed and signed by your Department Head in order to claim such expenses. Reimbursement claims are to be submitted within two (2) weeks of returning from the trip.

Employees shall make every effort to find adequate lodging at reasonable expense.

Expenses for meals are reimbursed only under the following guidelines:

1. Breakfast may be claimed only if the employee/elected official is on assignment away from home, in overnight travel status or departs from home on assigned travel before 6:00 AM.
2. Lunch may be claimed if you are in travel and work status away from home.
3. Dinner may not be claimed for reimbursement unless the employee/elected official are in travel status and/or City business caused them to return home after 7:00 PM or to be away from home overnight.
4. Times of departure and return must be indicated for all meal reimbursement requests.
5. There shall be no reimbursement for the costs of any meal where the cost of such meal is included in the lodging, transportation or conference costs.
6. Although itemized receipts are not required within the \$63.00 daily limit, employees are encouraged to keep them and turn them in whenever possible.

7. Excess amounts should be reasonable given the location and circumstances of the meal.
8. Meal costs over the allowable amount must have itemized receipts attached in order to be reimbursed.
9. Any amount in excess of \$63.00 not substantiated by itemized receipts will be included on Employees W-2 form.
10. The cost of a meal includes tax and a reasonable gratuity (up to 20%) but does not include alcoholic beverages.
11. An employee may choose to attend a meal that is served in conjunction with a conference or seminar but is not included in the registration fee. The employee will be reimbursed in full upon presenting a receipt or may choose to have the City pay the cost directly with the registration fee.

FLAT RATE WITHOUT RECEIPTS

· Breakfast	\$16.00
· Lunch	\$19.00
· <u>Dinner</u>	<u>\$28.00</u>

TOTAL \$63.00

12. The City will not reimburse employees for meals connected with trainings or meetings within City limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting.

Section 9.06 Professional Organizations

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

Employees may also request that the City pay their expenses to attend occasional workshops and meetings of such organizations.

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

In all circumstances, the employee must submit written receipts or other documentation showing the reimbursements requested by the employee.

Section 9.07 Job-Related Meetings

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

Section 9.08 Safety Shoe Allowance Policy

The purpose of this policy is to support the safety of our employees by providing a reimbursement program for employees to purchase quality protective footwear, which meets or exceeds current OSHA Standards. Protective safety boots/shoes are required for a number of designated positions throughout the City, and specific policies are addressed in labor contracts.

For non-represented employees, employees may be reimbursed up to \$200.00 per fiscal year towards the purchase of OSHA approved styles of safety footwear for work.

For part-time employees, if the department in which you are working requires steel toe shoes, the City will reimburse you up to \$60.00 of their cost. Present your receipt to your Supervisor for reimbursement. If you were reimbursed for steel toe shoes the prior year, you will not be reimbursed again during the current year. You are required to wear these shoes every day that you report to work – with no exceptions.

Employees should complete the Safety Shoe Reimbursement Form, attach the receipt with the date of purchase and style # and description of the shoe/boot and submit it to their Supervisor/manager for approval prior to submitting the request to the finance department.

Article X. PERFORMANCE REVIEWS

An objective performance review system will be established by the City Administrator or designee for the purpose of periodically evaluating the performance of City employees.

The quality of an employee's past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary adjustments.

Performance reviews will be discussed with the employee. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate, are challengeable using the City's grievance process, other performance evaluation data, including subjective assessments, are not. For those parts of the performance evaluation system deemed not challengeable, an employee may submit a written response, which will be attached to the performance review. Performance reviews are to be scheduled on a regular basis, generally annually. The form, with all required signatures, will be retained as part of the employee's personnel file.

During the training/probationary period, informal performance meetings should occur frequently between the Supervisor and the employee. Conducting these informal performance meetings

provides both the Supervisor and the employee the opportunity to discuss what is expected, what is going well, and what needs improvement.

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

An official copy of performance evaluations shall be kept on file in the employee's personnel file.

Article XI. BENEFITS

Section 11.01 Health, Dental, Vision

The City of Grand Rapids will contribute a competitive monthly amount toward group health, which includes dental and vision, for each eligible employee and his/her dependents. Employees are encouraged to look closely at this contribution as part of their overall compensation package with the City. Eligibility for this benefit begins the first of the month following 30 days of employment. In accordance with federal health care reform laws and regulations, while avoiding penalties, the City will offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week, or the equivalent of 130 hours or more per month. The amount to be contributed and the type of coverage will be determined annually by the City Council.

Failure of any insurance carrier to provide any benefit for which it has contracted shall not create any liability on the part of the City, nor shall such failure be considered a breach of any obligation by the City to an employee. Any premium contribution for medical, dental, vision required by the employee will be payroll deducted on a pre-tax basis.

Retired full-time employees who are not eligible for Medicare may continue to be covered by the City's group insurance policy at their own expense to the extent as required by law.

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

Section 11.02 Life Insurance and Optional Supplemental Life Insurance

The City provides a term life insurance policy for all regular full-time, regular part-time, and Paid On-Call Firefighters. Eligibility for this benefit begins the first of the month following 30 days of employment. Basic term life is paid 100% by the City.

Eligible employees have the option to purchase additional life insurance for themselves. Eligibility for any group insurance benefit is determined exclusively by the terms of the insurance policy. Employees may be required to provide health history information or other medical related data.

The cost of this coverage is dependent on age and the amount of coverage chosen. The premium cost will be deducted from payroll.

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

Section 11.03 Retirement/PERA

The City participates in the Public Employees Retirement Association (PERA) to provide pension benefits for its eligible employees to help plan for a successful and secure retirement. Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately.

The City and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each paycheck for Social Security and Medicare. The City matches the employee's Social Security and Medicare withholding for many employees. For information about PERA eligibility and contribution requirements, contact Human Resources.

Section 11.04 Deferred Compensation (457b Plan) – Pre-Tax and Roth Options

The City offers employees the opportunity to participate in a voluntary 457(b) Deferred Compensation Plan to support long-term retirement savings. Employees may choose to make contributions on either a pre-tax basis, a Roth (after-tax) basis, or a combination of both, subject to IRS contribution limits.

Pre-tax contributions allow employees to defer a portion of their earnings before taxes, which may reduce current taxable income. Taxes are applied at the time funds are withdrawn. Roth contributions are made after taxes have been deducted from the employee's pay. Qualified withdrawals during retirement may be tax-free if IRS requirements are met.

Participation in the plan is voluntary. Employees may enroll, adjust contribution amounts, change investment elections, or discontinue contributions in accordance with plan administrator rules. All contributions, investment selections, and account performance are the responsibility of the employee.

Additional information—including enrollment procedures, contribution limits, and investment options—is available through the plan administrator.

Section 11.05 Flexible Spending Accounts

Full-time employees are eligible to participate in the Flexible Spending tax savings program upon date of hire. This program allows the employee to pay employer sponsored health insurance premiums (if any), medical expenses, childcare or elder care expenses with "pre-tax" dollars,

saving considerable payroll taxes. Re-enrollment will be conducted each calendar year. The plan offers two pre-tax spending accounts:

Health Care Spending Account – Employees can elect to set aside the maximum allowed by IRS per year on a pre-tax basis to pay for medical and dental expenses not covered by insurance and not claimed on their tax return.

Dependent Care Spending Account – Employees can elect to set aside the maximum allowed by IRS per year on a pre-tax basis to pay for employment related dependent care expenses provided by an eligible caregiver and not claimed on a tax return.

The amount of the election cannot be changed or stopped during the calendar year except within 30 days of a qualifying change in family status.

More information, including a list of eligible expenses is available from the Administration Department or from the benefit provider's website.

Section 11.06 Health Care Savings Plan (HCSP)

The Health Care Savings Plan (HCSP) is an employer-sponsored program that allows Minnesota Public employees to invest money in a medical savings plan while employed. The HCSP is administered by the Minnesota State Retirement System and is used to reimburse for any qualified premiums (such as health or dental insurance) or medical expenses (such as eyeglasses, prescriptions, fees to doctors, hospitals, nursing care, etc.). after leaving City employment. Since payouts are used for medical expenses, they will remain *tax-free*. Funds are available for reimbursement only after termination of employment.

Full-time non-represented employees are eligible to participate in the Minnesota Post Employment Health Care Savings Plan (HCSP) established under Minnesota Statutes, Section 358.98 (Minn. Supp. 2001) and as outlined in the Minnesota State Retirement System's Trust and Plan Documents.

All full time non-represented employees will contribute the following amounts based on their years of service as follows:

- 2-5 years \$75.00 per pay period
- 6-10 years \$100.00 per pay period
- 11-15 years \$125.00 per pay period
- 16+ years \$150.00 per pay period

All full time non-represented employees with two (2) years of service or more that have accumulated over 248 hours of PTO on their hire date of each year will have those hours, up to a maximum of forty (40) hours, converted into cash and deposited into their post-employment

health care savings account. (The conversion is available only if the employee has used at least eighty (80) hours of PTO during the twelve (12) months preceding the hire date).

Upon separation or retirement from City employment, a severance payment computed at the regular employee's current salary rate shall be made for PTO earned to all eligible employees. Employees who are terminated for just cause, for reasons other than a layoff or reduction in force, shall not be entitled to receive this severance payment.

At the time of separation or retirement, all eligible employees will have the option to select one of the options listed below:

1. The entire balance of their accrued PTO deposited into their HCSP account, or
2. The employee may have their accrued PTO balance paid in cash at their regular rate of pay in effect at the time of separation or retirement.

The employee is expected to notify Human Resources which option they select prior to their last date of employment.

Cash payment will be subject to state and federal taxes.

Please see Human Resources to receive information on HCSP investment options, eligibility reimbursements, the benefits of a Health Care Savings Plan, and the City of Grand Rapids HCSP Plan Document.

Section 11.07 COBRA

Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, you and your qualified dependents may have the opportunity to continue health or life insurance under the group policy when a “qualifying event” would normally result in the loss of eligibility. Some common qualifying events are:

- Resignation
- Termination of employment
- Death of an employee
- A reduction in work hours
- Leave of absence
- An employee’s divorce or legal separation
- Dependent child no longer meeting eligibility requirements.

Human Resources must be notified within thirty (30) days of the qualifying event.

Under COBRA, the employee or the dependent must pay the full cost of coverage at the City’s rate. An additional administrative fee may be charged. Each employee is provided a written notice describing rights granted under COBRA when the employee becomes eligible for coverage

under an insurance plan. The notice contains important information about employee rights and obligations.

Please see Human Resources for Federal and State COBRA Continuation Laws and for Minnesota Special Retiree Coverage information.

Section 11.08 Workers Compensation

When an employee is eligible for workers compensation benefits, the employee may supplement the workers compensation benefits with a prorated portion of his or her accrued PTO or EMB so that the combination of the workers compensation equals the employee's regular net "take home" pay. An employee must use forty (40) consecutive work hours of paid time off (PTO) before using EMB pursuant to this provision.

PTO and EMB will continue to accrue during an approved medical leave covered by workers compensation.

Section 11.09 Light Duty/Modified Duty Assignment

This policy is to establish guidelines for short-term assignments of work to employees who are temporarily medically unable to perform their regular work duties. Light duty is evaluated on a case-by-case basis. This policy does not guarantee assignment to light duty.

Such assignments are for short-term, temporary disability-type purposes; assignment of light duty is at the discretion of the City Administrator. The City Administrator reserves the right to determine when and if light duty work will be assigned.

When an employee is unable to perform the essential requirements of their job due to a temporary medical condition, they will notify the Supervisor in writing as to the nature and extent of the condition(s) and the reason why they are unable to perform the essential functions, duties, and requirements of the position. This notice must be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary medical condition.

The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the City's job description along with a written request for light duty. Upon receipt of the written request, the Supervisor is to forward a copy of the report to the City Administrator. The City may require a medical exam conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary condition, and work restrictions.

Each situation will be assessed on a case-by-case basis. It is at the discretion of the City Administrator whether or not to assign light duty work to the employee.

If the City offers a light duty assignment to an employee who is out on workers' compensation leave, the employee's eligibility for benefits may be impacted if they refuse such work. The City will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment.

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

Section 11.10 Employee Assistance Program

The Employee Assistance Program (EAP) provided by the City is included in the health plan and designed to help you and members of your family deal with the difficulties of daily life. The counseling service is staffed with professionals trained to provide initial assessment and counseling. It is strictly confidential and voluntary, and can be used for all types of challenges including:

- Marital or parental difficulties
- Depression
- Financial problems
- Legal problems
- Alcohol and drug-related concerns
- Work related problems

Confidentiality is promised. No information concerning the nature of your concerns will be released without your written consent. What is discussed with a -counselor is strictly between the caller and the counselor. [In the case of a Supervisor referring an employee to the program because of poor job performance, the Supervisor will be made aware of two things: 1) whether or not the employee kept an appointment with a counselor; and 2) whether or not the employee is following the counselor's recommendations.]

If the Employee Assistance counselor refers you to other community resources for long-term or specialty assistance, these costs may be covered by the health benefits program.

All employees are encouraged to utilize these services should they need them. Further information about this program can be obtained from any Department Head or the Human Resources Officer.

Section 11.11 Tuition Reimbursement or Tuition Pre-Payment Program

Tuition reimbursement or tuition pre-payment is a self-development program for employees to further their careers at the City of Grand Rapids. Employees may select courses of study, which are directly related to either their present job or the pursuit of a City-related career, or licensing,

program, or advanced training related to their present job, where the added licensing, program, or advanced training would benefit the position the employee is filling for the City.

Administration is responsible for administering and monitoring this program.

Eligibility

Regular full-time employees are eligible after their probationary period has been completed;

Part-time and seasonal employees are eligible immediately upon hire, or based on the needs of the City, as approved by City Administration;

Full-Time employees must maintain continuous service in these job categories while taking the course(s). Part-time seasonal employees must maintain consistent seasonal employment in position while taking the licensing, program, or advanced training.

Pre-Course Approvals

The course, licensing, program, or advanced training is to be approved by the City Administrator and Department Head, prior to enrollment. Employees must complete a Request for Tuition Reimbursement or Tuition Pre-Payment Form prior to enrollment.

Restrictions

Coursework, course attendance, licensing, program, or advanced training is normally accomplished on the employee's own time. Attendance for required classes, which are offered only during work hours, is subject to approval by the City Administrator and Department Head and must be for courses directly related to the job or relevant degree requirements. For full-time employees, if absence from work is approved, the employee may use earned paid time off (PTO); or comp time, if any hours exist, if approved by the City Administrator and Department Head.

For part-time seasonal employees, seeking licensing, program, or advanced training related to their present job, hourly payment for attendance at programs or classes offered during normal work hours, for the completion of advanced education, will be determined on a case-by-case basis, as approved by the City Administrator and Department Head.

The career, licensing, program, or advanced training being pursued and the relationship of the course to that career, or licensing, program, or advanced training must be identified by the employee.

Courses, licensing, program, and advanced training eligible for reimbursement must be "directly job related" or "career" related." Career-related courses are only eligible to be reimbursed if the course is part of a degree and would benefit an existing or future City position description.

For non-City related courses required of a degree or certificate program, proof of admittance to that program must be provided;

Participants in a degree program are expected to concentrate on City-related courses first, as a condition of continued approval of course/class;

To alleviate concern over the employee balancing the needs of the job with multiple courses/classes at one time, the number of courses/classes in progress at one time is at the discretion of the City Administrator and Department Head;

Funding by other agencies (such as scholarships and the GI Bill) must be used by the employee first. The City is the secondary payer in such circumstances and all amounts funded by other agencies will be deducted from the City's reimbursement allowance;

A full-time employee who voluntarily leaves service or is discharged will be required to pay back all reimbursements made (e.g., final processed) during the previous sixty months. The payback amount will be reduced by 20% for each full year of service rendered to the City, following successful completion of the courses.

Tuition reimbursement or tuition pre-payment for part-time seasonal Public Works employees will have a five-year commitment to work seasonally. If the part-time seasonal employee chooses to not work seasonally for the five-year commitment, the part-time seasonal employee will reimburse the City on a pro-rated basis of 1/5ths. For example, if the part-time seasonal employee works one year for the City and decides to not return to work seasonally, the employee will be expected to reimburse the City for 4/5ths of the tuition or program costs. If the City elects to not re-hire a part-time seasonal employee, the tuition is forgiven.

Institutions eligible to be considered for approval include most colleges, vocational schools, and self-study institutions. Private consultants and motivation organizations are not covered;

Attendance alone does not define successful completion; therefore, most seminars do not qualify under the program;

CLEP tests and similar conversions of previous knowledge to an academic record are not covered.

Course Completion and Reimbursement

Successful completion (a letter grade of "C" or better, a "pass" in a pass/fail grading system, or a certificate of completion based on a competency exam) is required before reimbursement will be made;

The "pre-course approved" Request for Tuition Reimbursement or Tuition Pre-Payment Form is re-submitted by the employee along with a grade report and tuition statement;

Only tuition and required book costs are covered. Other costs and fees such as late fees, lab fees, training equipment and materials, and student fees are normally not covered, however, exceptions may be considered upon request of the employee. If the tuition amount includes a substantial amount of tangible goods (such as parts for constructing a radio receiver), the program will cover only the tuition portion.

Maximum Reimbursement

The City will reimburse tuition and required book costs for qualified full-time, part-time seasonal employees as approved by the City Administrator and the Department Head.

If the course, licensing, program, or advanced training is coordinated by the City for a group of full or part-time seasonal employees, the City will cover the expense of the course, licensing and licensing renewals, program, and/or advanced training, and the employee will abide by the reimbursement policy.

Taxability of Reimbursed Amount

Federal law provides that certain City-paid education expenses are nontaxable if they are for job-related courses. The course taken is job-related if it maintains or enhances the skills needed for an employee's current position without furnishing the requisite qualifications for entering a new trade or business. Administration, in consultation with a tax consultant, will determine, if necessary, to furnish an employee with a 1099 or W2 as appropriate.

Please see the City of Grand Rapids Tuition Reimbursement or Tuition Pre-Payment Program Policy in its entirety for a Request for Tuition Reimbursement or Tuition Pre-Payment form.

Article XII. HOLIDAYS

The City observes the following holidays as its standard schedule for regular full-time and permanent part-time employees:

New Year's Day	Martin Luther King, Jr. Day
Presidents' Day	Memorial Day
Juneteenth	Independence Day
Labor Day	Veterans Day
Thanksgiving Day	Friday after Thanksgiving
Christmas Eve (only Monday thru Friday)*	Christmas Day
Holiday Floater (pro-rated for permanent PT employees)	

While these are the standard holidays recognized by the City, employees must follow the specific holiday provisions outlined in their applicable collective bargaining agreement. If there is any difference between the City's general schedule and the bargaining agreement, the bargaining agreement prevails.

When a holiday falls on a Sunday, the following Monday will be the "observed" holiday and when a holiday falls on a Saturday, the preceding Friday will be the "observed" holiday for employees whose normal workweek is Monday through Friday. *Christmas Eve is a holiday only with the 24th falls on a workday. If a recognized holiday falls during an eligible employee's paid absence (e.g., paid time off) holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Holiday pay will be calculated based on the employee's regular rate of pay (as of the date of the holiday) times eight (8) hours for full-time employees. Regular part-time employees will be compensated at a pro-rated level based on the number of hours normally scheduled. Holiday pay is not available to temporary, contract, seasonal, emergency, or limited-term employees or an employee who is on disciplinary suspension.

To be eligible for holiday pay, employees must work the last full-shift immediately preceding the holiday and the first full-shift immediately following the holiday.

If an eligible employee works on a recognized holiday, with their Department Head or Supervisor's prior approval, the employee will receive one and one half times the normal rate of pay for the hours worked on the holiday, in addition to their holiday benefit.

Paid time-off for holidays will not be counted as hours worked for the purposes of determining overtime, except when the employee has already received overtime pay for working on the holiday.

With prior approval by City Administration, and proper notice to the Department Head, days of religious or cultural significance not listed above may be taken off without pay. Specific days may be altered with approval by City Administration.

Article XIII. LEAVE AND LEAVE OF ABSENCE

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

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

It is the City's policy not to discriminate against someone who has requested a leave of absence. Any complaints should be brought to the attention of the Human Resources Officer.

Section 13.01 Minnesota Paid Leave

Overview

The City of Grand Rapids offers leave to eligible employees who meet the qualifications for Paid Family and Medical Leave (PFML) benefits under Minnesota law. The City of Grand Rapids participates in the State of Minnesota's PFML Program

The Paid Leave Administrator for the City of Grand Rapids is the Human Resources Officer. Employees with questions about this policy should contact the Paid Leave Administrator.

Note: The City provides time off to eligible employees who qualify for Minnesota Paid Leave (MNPL) benefits under Minnesota law. The City of Grand Rapids is a participant in the State of Minnesota's Paid Leave program. MNPL benefits are funded through premium contributions payable to the State of Minnesota. The premium cost will be paid by the City. The City of Grand Rapids will pay 100% of the required premium and there will be no cost or deductions to employees. Employer premium costs will be made through payroll starting January 1, 2026.

Definitions

Family member:

- Spouse or domestic partner
- Child (including a biological child, adopted child, foster child, stepchild, child of a domestic partner, or child to whom the applicant stands in loco parentis, is a legal guardian, or is a de facto custodian)
- Parent or legal guardian
- Sibling
- Grandchild
- Grandparent or spouse's grandparent
- Son-in-law or daughter-in-law
- An individual who has a personal relationship with the applicant that creates an expectation and reliance that the applicant care for the individual without compensation, whether or not the applicant and the individual reside together

A *serious health condition*, in general, is a physical or mental illness, injury, impairment, condition, or substance use disorder that may involve:

- Evaluation, treatment, inpatient care or recovery
- Not being able to perform regular work, attend school, or do regular daily activities. This includes childbirth, conditions related to pregnancy, or surgery

To see the full definition of a “serious health condition” please refer to the statutory definition in Minnesota Chapter 268B.

Contributions and Premiums

The cost of PFML premiums, both employer portions and employee portions, will be paid by the City of Grand Rapids. The City of Grand Rapids will pay 100% of the required PFML premium and employees will not have to pay any portion of the PFML premium cost. PFML premiums paid by the City of Grand Rapids, on behalf of the employer and employee, will begin on January 1, 2026.

Eligibility

To be eligible for PFML, an employee must:

Work 50 percent or more from a location in Minnesota. This includes employees who work remotely from home or those whose duties occasionally require them to work in other states.

Meet the wage credit requirements outlined in statute by having earned at least the minimum amount of wages as determined by the state and defined by Minnesota Law at the time the leave is requested.

Eligibility determinations are made by the state.

For reference, the current standard of wages is 5.3% of the state’s average annual wage amounting to about \$3,900 in wages for the start of MNPL in 2026. Generally, all jobs count towards this wage requirement, it is not just wages earned at the City.

Weekly Benefit

An employee's weekly PFML benefit will be calculated and determined by the state. The City of Grand Rapids does not calculate or determine an employee's weekly benefit.

Leave Designation and Allotment

An employee may be eligible for PFML if they meet one or both of the following conditions in a benefit year:

- Medical Leave

To care for one’s own serious health condition, including pregnancy, childbirth, recovery, or surgery.

An employee may take up to 12 weeks of medical leave in a benefit year provided they are eligible.

- Family Leave
 - Bond with a child through birth, adoption, or foster placement.
 - Care for a family member with a serious health condition.
 - Support a military family member called to active duty.
 - Safety leave to care for oneself or a family member because of domestic abuse, sexual assault, or stalking.

An employee may take up to 12 weeks of family leave in a benefit year provided they are eligible.

If an employee is eligible for both Medical Leave and Family Leave in a single benefit year, the employee may take up to 20 weeks total of leave. For example, an employee may be entitled to 12 weeks of Family Leave and 8 weeks of Medical Leave in a benefit year, totaling 20 weeks. An employee may be entitled to 8 weeks of Family Leave and 12 weeks of Medical Leave in a benefit year, totaling 20 weeks.

An employee's benefit year starts the first date of leave.

PFML Intermittent Leave

Leave based on a serious health condition (of an employee or family member) may qualify for intermittent leave if it is reasonable and appropriate to meet the needs of the individual with a serious health condition. Leave for other eligible PFML reasons may also be taken intermittently.

To be eligible for intermittent leave under PFML, employees must have at least eight hours of accumulated leave, unless more than 30 days have passed since the initial leave. The employee eligibility requirements of PFML, as listed above, also apply.

Intermittent leave is leave taken in separate blocks of time due to a single 7-day qualifying event.

For employees seeking PFML on an intermittent basis, a reasonable effort must be made to provide written notice to Chery Pierzina, Human Resources Officer, before applying for PFML benefits through the state program.

This notice should include:

1. the proposed intermittent leave schedule, and
2. a completed certification from a healthcare provider confirming the necessity of the leave, along with a reasonable estimate of its frequency, duration, and treatment schedule.

Full and part-time employees may take intermittent leave in increments of 30-minutes or more. Eligible employees can take up to 480 hours of intermittent leave within any 12-month period.

Once this limit is reached, employees may request continuous PFML, as long as the continuous leave does not surpass the maximum amount of PFML allowed by law.

Please note, the relevant section on intermittent leave in the statute is Minn. Stat § 268B. 04, Subd. 6a

PFML Notice and Application Process

1. Employees should reach out to Chery Pierzina, Human Resources Officer, of their intention to take leave. If the leave is foreseeable, the City of Grand Rapids requests an employee give at least two weeks' notice of their intent to take leave. If the leave is not foreseeable, the City of Grand Rapids requests the employee notify the City of Grand Rapids as soon as possible of their need for leave.
2. After the employee has notified the City of Grand Rapids of their intent to take leave, the employee may apply for PFML through the state.

How to Apply for Minnesota Paid Leave

Paid Leave benefits begin on January 1, 2026.

After your leave has been discussed with Human Resources, you may apply for MNPL through the [Minnesota Paid Leave's portal](https://paidleave.mn.gov/) online. (<https://paidleave.mn.gov/>)

Other Leave Laws and Benefits

PFML will run concurrently with any leave or wage supplement an employee may qualify for under local, state, or federal law, including but not limited to the Family and Medical Leave Act (FMLA), Minnesota Women's Economic Security Act (WESA), and Minnesota Pregnancy and Parental Leave (MPL).

Minnesota Statute 268B.27 allows employers the option to require MNPL benefits to run concurrently with FMLA and WESA Pregnancy and Parenting Leave where the leave is taken for the same purpose.

Supplemental Benefits

Employees receiving PFML benefits have the option to supplement their PFML benefits by using any accrued paid leave benefits such as extended medical bank (EMB) or paid time off (PTO). An employee choosing to supplement their PFML benefits with their accrued paid leave may not exceed their Individual Average Weekly Wage (IAWW).

Employers are not required to allow employees to supplement MNPL benefits with accrued employer-provided leave benefits, but many might choose to do so. However, it remains an employee's choice whether to use accrued leave with MNPL benefits. In other words, the City cannot require employees to use accrued leave with MNPL benefits.

Health Coverage During PFML

Unless coverage is revoked, the City of Grand Rapids will maintain group health insurance for employees on PFML under the same conditions as before the leave. In the event there is an

employee premium cost associated with health coverage, employees must continue to make timely payments of their share of the premiums, if any exist. The employee must remit their portion of the health insurance premium, if any, to the City of Grand Rapids to ensure continued benefits through either payroll deductions or other methods as outlined below.

If an employee is required to pay a portion of the group health insurance premium, and payment is late by 30 days or more, group health insurance may be cancelled. The City of Grand Rapids will provide written notice at least 15 days before termination, specifying the final payment due date (30 days past the original due date) and the date coverage will end if payment is not received.

Payment, if any, of the employee's portion of the premium for group health insurance coverage may be paid by pre-payment, monthly payment via check, cashier's check, money order, or credit card (additional costs may apply to credit card payments).

Reinstatement

Employees that worked for the City of Grand Rapids for at least 90 calendar days prior to taking PFML, upon return, will be reinstated to their previous position or an equivalent position. An employee's status, pay, employment benefits, length-of-service credit, and seniority credit shall be the same as the date they went on leave.

Upon returning to work, if an employee cannot perform the essential functions of their position (with or without reasonable accommodation), the City of Grand Rapids may engage in an interactive process. This process will align with the Americans with Disabilities Act (ADA), the Minnesota Human Rights Act (MHRA), and other relevant workplace policies, including safety protocols, to determine the appropriate next steps.

Retaliation

No employee shall be subjected to any form of retaliation for requesting, taking, or returning from PFML or for otherwise exercising or attempting to exercise rights protected under the PFML policy and applicable law.

Section 13.02 Earned Sick and Safe Time (ESST) Leave

Earned Sick and Safe Leave

"Earned Sick and Safe Leave" (ESST) is paid time off available to employees, including probationary, temporary, seasonal, and part-time employees, or anyone who the City of Grand Rapids anticipates will work for at least 80 hours in a year, for the City of Grand Rapids, and is not an independent contractor.

The following positions are not eligible for leave under this policy:

- Volunteer firefighter or paid on-call firefighter;
- Volunteer ambulance attendant as defined in Minn. Stat. § 144E.001, subdivision 15;
- On-call ambulance service personnel as defined in Minn. Stat. § 144E.001, subdivision 3a;
- Elected officials or a person who is appointed to fill a vacancy in an elected office.

For the purposes of this policy, a year is defined as the City's fiscal year, or the 12-month period beginning in January and ending in December.

Earned sick and safe time means leave, including paid time off and other paid leave systems, that is paid at the same base rate as an employee earns from employment. In no case shall this base rate be less than that provided in Minnesota Law.

For employees paid on an hourly basis, base rate means the same rate received per hour of work. For example, for employees paid on an hourly basis, who receive multiple hourly rates, the base rate is the rate the employee would have been paid for the period of time in which leave was taken. For employees paid on a salary basis, the base rate is the same rate guaranteed to the employee as if the employee had not taken the leave. For purposes of this section, base rate does not include commissions; shift differentials that are in addition to an hourly rate; premium payments for overtime work; premium payments for work on Saturdays, Sundays, holidays, or scheduled days off.

Paid Sick and Safe Leave hours will not be counted as hours worked for the purposes of any overtime calculation. In no circumstance shall Earned Sick and Safe Leave hours exceed 80 hours in any fiscal year. Unused Earned Sick and Safe Leave is not transferrable, nor may an employee donate it to another employee.

Employees may have additional rights under other local, state, or federal laws, such as family and medical leave, disability, labor relations, workers compensation, and other laws.

FULL-TIME EMPLOYEES

For full-time and probationary employees, the City of Grand Rapids provides paid time off (PTO) that meets or exceeds the requirements of the law.

If the full-time and/or probationary employee chooses to use PTO hours for reasons other than those outlined in this policy as ESST eligible hours, the full-time and/or probationary employee will not be provided with additional ESST hours. While full-time and/or probationary employees may use PTO hours for an ESST purpose, the employee will not be provided with additional ESST hours once available PTO hours have been exhausted.

Full-time and/or probationary employees with secondary positions with the City of Grand Rapids, shall not receive additional PTO or ESST hours beyond the PTO hours received as a full-time employee.

TEMPORARY, SEASONAL, AND PART-TIME EMPLOYEES

At the beginning of each fiscal year, 80 hours of Earned Sick and Safe Leave hours will be available for temporary, seasonal, and part-time employees' immediate use.

When an employer advances ESST based on the estimated hours the employee will work, the employer must reconcile the advanced hours to ensure the employee receives all the hours due based on actual hours worked.

Temporary, seasonal, and part-time employees are not eligible to carryover unused Earned Sick and Safe Leave into the following year.

In the event a temporary, seasonal, or part-time employee leaves employment with the City, the employee will not receive payment for unused Earned Sick and Safe Leave hours received at the beginning of that fiscal year.

Earned Sick and Safe Leave Use

The Earned Sick and Safe Leave hours may be used in the same increment of time for which employees are paid, for the following circumstances:

- The employee's mental or physical illness, injury, or health condition; need for diagnosis, care, or treatment; or need for preventative care;
- A family member's mental or physical illness, injury, or health condition; need for diagnosis, care, or treatment; or need for preventative care;
- Absence due to domestic abuse, sexual assault, or stalking of the employee or a family member, provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
 - Obtain services from a victim services organization;
 - Obtain psychological or other counseling;
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking;
- Absence to make arrangements for, or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member;

- Closure of the employee's workplace due to weather or public emergency or an employee's need to care for a family member due to closure of the family member's school or place of care due to weather or public emergency;
 - Employees may not use leave under the provisions of Earned Sick and Safe Time for closure of the Employer due to weather or other public emergency, or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency, pursuant to Minnesota Stat. § 181.9447 subd. 1 clause (4).
 - Employees who are required to maintain a commercial driver's license and are needed for the Employer to maintain minimum staffing requirements may not use leave under the provisions of Earned Sick and Safe Time for closure of the Employer due to weather or other public emergency, or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency, pursuant to Minnesota Stat. § 181.9447 subd. 1 clause (4).
- The employee's inability to work or telework because the employee is:
- Prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
- Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and
- When determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease, whether or not they have actually contracted a communicable disease.

Employees covered by a collective bargaining agreement may be subject to different language in the respective collective bargaining agreement. To the extent the terms of the ESST Policy are inconsistent with other provisions of the City's personnel policy, the terms of the collective bargaining agreement shall govern.

For Earned Sick and Safe Leave purposes, "family member" includes an employee's:

- Spouse or registered domestic partner
- Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis
- Sibling, step sibling or foster sibling
- Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child

- Grandchild, foster grandchild or step grandchild
- Grandparent or step grandparent
- A child of a sibling of the employee
- A sibling of the parent of the employee or
- A child-in-law or sibling-in-law
- Any of the above family members of a spouse or registered domestic partner
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
- Up to one individual annually designated by the employee

Advance Notice for use of Earned Sick and Safe Leave

When the need for ESST leave is foreseeable, employees must notify Human Resources within seven days of the leave.

In the event the need for leave is unforeseeable, employees must notify Human Resources, as reasonably required, by providing a written notice to the immediate Supervisor, Department Head, and Human Resources.

When an employee uses ESST for more than two consecutive scheduled work days, the City may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, ESST for a qualifying purpose. The City will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition.

In accordance with state law, the City will not require an employee using ESST to find a replacement worker to cover the hours the employee will be absent. However, this is not meant to limit employees who choose to voluntarily seek a replacement staff member or trade shifts to cover their ESST absence.

Employers must maintain the confidentiality of Earned Sick and Safe records, medical certifications, histories, and documents information pertaining to domestic abuse, sexual assault or stalking, and any statement from the employee about the need for leave. Medical records should be maintained confidentially and apart from personnel files.

Employers must comply with the ESST recordkeeping requirements outlined in Minn. Stat. § 181.9447. Among other provisions, cities must preserve the required ESST documentation for a

minimum of three years and ensure the documentation is readily accessible by the Commissioner within 72 hours from the Commissioner's request.

Retaliation Prohibited

The City shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting Earned Sick and Safe Time rights, requesting an Earned Sick and Safe Time absence, or pursuing remedies. Further, use of Earned Sick and Safe Time will not be factored into any attendance point system the City may use. Additionally, it is unlawful to report or threaten to report a person or a family member's immigration status for exercising a right under Earned Sick and Safe Time.

Benefits and Return to Work Protections

During an employee's use of Earned Sick and Safe Time absence, an employee will continue to receive the City's employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

An employee returning from time off using accrued Earned Sick and Safe Time is entitled to return to their City employment at the same rate of pay received when their leave began, plus any automatic pay adjustments that may have occurred during the employee's time off. Seniority during Earned Sick and Safe Time absences will continue to accrue as if the employee has been continually employed.

When there is a separation from employment with the City and the employee is rehired again within 180 days of separation, previously accrued Earned Sick and Safe Time that had not been used or previously paid out will be reinstated. An employee is entitled to use and accrue Earned Sick and Safe Time at the commencement of reemployment.

Notice and Posting

The City of Grand Rapids must give notice to all employees that they are entitled to earned sick and safe time, including the amount of earned sick and safe time, the accrual year for the employee, the terms of its use under this section, a copy of the written policy which includes a statement that retaliation against employees who request or use earned sick and safe time is prohibited; and that each employee has the right to file a complaint or bring a civil action if earned sick and safe time is denied by the employer or the employee is retaliated against for requesting or using earned sick and safe time.

The City of Grand Rapids must supply employees with a notice in English and the primary language of the employee, as identified by the employee.

The means used by the City of Grand Rapids must be at least as effective as the following options for providing notice: posting a copy of the ESST Policy at each location where employees perform work and where the notice must be readily observed and easily reviewed by all employees performing work; providing a paper or electronic copy of the notice to employees; or a conspicuous posting in a web-based or app-based platform through which an employee performs work.

Employer Records

Employers shall retain accurate records documenting hours worked by employees and earned sick and safe time taken. The records required by this policy must be kept for three years.

All records required to be kept under this section must be readily available for inspection by the commissioner upon demand. The records must be either kept at the place where employees are working or kept in a manner that allows the employer to comply with this paragraph within 72 hours.

Confidentiality and Nondisclosure

If, in conjunction with this policy, the City of Grand Rapids possesses health or medical information regarding an employee or an employee's family member; information pertaining to domestic abuse, sexual assault, or stalking; information that the employee has requested or obtained leave under this section; or any written or oral statement, documentation, record, or corroborating evidence provided by the employee or an employee's family member, the employer must treat such information as confidential.

Information given by an employee may only be disclosed by the City of Grand Rapids if the disclosure is requested or consented to by the employee, when ordered by a court or administrative agency, or when otherwise required by federal or state law.

Records and documents relating to medical certifications, recertifications, or medical histories of employees or family members of employees must be maintained as confidential medical records separate from the usual personnel files. At the request of the employee, the employer must destroy or return the records that are older than three years prior to the current calendar year, unless state or federal law, rule, or regulation requires the employer to retain such records.

The City of Grand Rapids may not discriminate against any employee based on records created for the purposes of this policy.

Remedies Available

In the event an employer fails to provide or allow ESST use as required by law, the employer is liable to the employee for the amount of ESST the employer should have provided, or the

employee could have used, in addition to an equal amount of liquidated damages, subject to Minn. Stat. § 177.50, subd. 7.

This policy may be revised or updated at any time. In the event this policy is updated or revised, employees shall receive an updated copy of the policy.

Section 13.03 Family and Medical Leave

The Family and Medical Leave Act provides certain employees with up to 12 workweeks of unpaid, job-protected leave a year, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.

The FMLA applies to all public agencies, including state, local and federal employers, and local education agencies (schools). To be eligible for FMLA leave, an employee must work for a covered employer and:

- have worked for that employer for at least 12 months; and
- have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and
- work at a location where at least 50 employees are employed at the location or within 75 miles.

Eligibility

To qualify to take Family and Medical Leave Act (“FMLA”) leave under this policy, an employee must meet all the following conditions:

- Have worked for the City for 12 months (or 52 weeks) prior to the date the leave is to commence. The 12 months or 52 weeks need not have been consecutive; however, the City will not consider any service seven years prior to the employee’s most recent hire date.
- Have worked at least 1,250 hours during the 12-month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (“FLSA”) determine the number of hours worked by an employee.

Types of Leave Covered by FMLA

Leave will be granted to all eligible employees for any of the following reasons:

- The birth of a child, including prenatal care, or placement of a child with the employee for adoption or foster care;
- To care for a spouse, child, or parent who has a serious health condition;

- Due to a serious health condition that makes the employee unable to perform the essential functions of the position;
- A covered military member's active duty or call to duty or to care for a covered military member (Military Caregiver and Qualified Exigency Leave) (described below).

Definitions

- **"Spouse"** does not include domestic partners or common-law spouses.
- **"Caring for"** a covered family member includes psychological as well as physical care. It also includes acquiring care and sharing care duties. An eligible **"child,"** with some exceptions, is under 18 years of age.
- An eligible **"parent"** includes a biological parent or a person who stood in the place of a parent.
- **"Serious Health Condition"** means an illness, injury, impairment, or physical or mental condition that involves one of the following:
 - **Hospital Care:** Any period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility;
 - **Pregnancy:** Any period of incapacity due to pregnancy, prenatal medical care or childbirth;
 - **Absence Plus Treatment:** A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by or under the supervision of a health care provider.
 - **Chronic Conditions Requiring Treatments:** An incapacity from a chronic condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity;
 - **Permanent/Long-Term Conditions Requiring Supervision**
 - **Multiple Treatments:** Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

Length and Amount of Leave

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The leave year is calculated based on the 12-month period measured forward from the first day of FMLA leave usage.

The entitlement to FMLA leave for the birth or placement of a child for adoption expires twelve (12) months after the birth or placement of that child.

How Leave May be Taken

FMLA leave may be taken for 12 (or less) consecutive weeks, may be used intermittently (a day periodically when needed), or may be used to reduce the workweek or workday, resulting in a reduced work schedule. In all cases, the leave may not exceed a total of 12 workweeks.

Intermittent leave may be taken when medically necessary for the employee's serious health condition or to care for a family member with a serious health condition. Intermittent leave must be documented in the medical certification form as medically necessary.

If an employee is taking intermittent leave or leave on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as to not disrupt the City's business.

In instances when intermittent or reduced schedule leave for the employee or employee's family member is foreseeable or is for planned medical treatment, including recovery from a serious health condition, the City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

Intermittent/reduced scheduled leave may be taken to care for a newborn or newly placed adopted or foster care child only with the City's approval.

Procedure for Requesting Leave and Notice

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

When the need for the leave is foreseeable, the employee must give verbal or written notice to their Supervisor at least thirty (30) days prior to the date on which leave is to begin.

If thirty (30) days' notice cannot be given, the employee is required to give as much notice as practicable, including following required call-in procedures.

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

Certification and Documentation Requirements

For leave due to an employee's serious health condition or that of an employee's family member, the City may require the completion of a Medical Certification form by the attending physician or practitioner as allowed by law. The form must be submitted by the employee to the City Administrator within fifteen (15) calendar days after leave is requested. If the form is not submitted in a timely fashion, the employee must provide a reasonable explanation for the delay. Failure to provide medical certification may result in a denial or delay of the FMLA leave.

When leave is due to an employee's own serious health condition, a fitness for duty certification (FFD) will be required before an employee can return to work. Failure to timely provide such certification may eliminate or delay an employee's right to reinstatement under the FMLA.

If an employee is using intermittent leave and reasonable safety concerns exist regarding the employee's ability to perform their duties, a FFD certificate may be required as frequently as every 30 days during periods when the employee has used intermittent leave.

Recertification of leave may be required if the employee requests an extension of the original length approved by the City or if the circumstances regarding the leave have changed. Additionally, recertification may be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

Second and Third Medical Opinions

The City may require an employee obtain a second opinion from a provider which the City selects. If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. This third opinion will be considered final. An employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Annual Medical Certification and Recertification

Where the employee's need for leave due to the employee's own serious health condition lasts beyond a single leave year, the City will require employees to provide a new medical certification in each subsequent leave year.

Reinstatement

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

An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Group Health Insurance and Other Benefits, Concurrent Leave and Substitution of Paid Leave

Group Health Insurance:

An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had the employee been continuously employed during the leave period. The employee will be required to continue payment of the employee portion of

group insurance coverage, if any, while on leave. Arrangements for payment of the employee's portion of premiums must be made by the employee with the City.

Group health insurance may be cancelled if an employee's premium payment is 30 days late. Before terminating coverage, the City will provide written notice to the employee at least 15 days before the coverage is terminated listing the final date payment is due (30 days past the due date) to avoid cancellation and the date coverage will end if payment is not received.

Coverage that lapses due to nonpayment of premiums will be reinstated immediately upon return to work without a waiting period.

If there are changes in the City's contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

Interaction with Other Laws and Benefits:

FMLA will run concurrently with any leave and/or wage supplement for which you may be eligible for under local, state, or federal law which may include paid time off (PTO), extended medical bank (EMB), Minnesota Paid Leave (MNPL) or Minnesota Women's Economic Security Act (WESA) pregnancy and parenting leave.

If you are receiving MNPL or STD benefits while you are out on FMLA, you may be able to supplement, or "top off," your MNPL benefits with any accrued but unused paid leave. If you choose to supplement your MNPL benefits in this way, the combined weekly sum of MNPL benefits and employer-provided paid leave benefits cannot exceed your Individual Average Weekly Wage (IAWW). For more information, contact Human Resources.

Rights to additional continued benefits will depend on whether leave is paid or unpaid. Employees may choose, but are not required, to use disability leave benefits (short-term disability or long-term disability), accrued PTO, EMB, Earned Sick and Safe Time (ESST) leave benefits concurrently with FMLA.

Minnesota state laws limit an employer's ability to require an employee to use paid leave during the unpaid FMLA leave. For example, Minnesota Department of Labor and Industry (DLI) has indicated it is an employee's right to choose to use accrued Earned Sick and Safe Time (ESST) for eligible ESST absences. Additionally, the Minnesota Paid Leave program, which takes effect January 1, 2026, prohibits employers from requiring employees to supplement Minnesota Paid Leave benefits with supplemental benefits (e.g., PTO, EMB).

When federal FMLA leave is also used for a covered purpose under the Minnesota Women's Economic Security Act (WESA) pregnancy and parenting leave, (with the exception of paid or unpaid leave taken for prenatal care medical appointments), the federal FMLA leave will run concurrently with the 12-week MN WESA pregnancy and parenting leave and cannot be utilized

to extend FMLA or WESA Pregnancy and Parenting leave beyond twelve weeks. However, pursuant to Minnesota Statute § 181.943(c), the 12-week leave under the WESA pregnancy and parenting leave law cannot be reduced by any period of paid or unpaid leave taken for prenatal care medical appointments.

Refer to [MN WESA FAQs](#).

Failure to Return to Work After FMLA

Except when the employee is also receiving MN Paid Leave benefits, under certain circumstances, if the employee does not return to work at the end of the FMLA leave for at least 30 calendar days, the City may require the employee to repay the portion of the monthly cost paid by the City for group health plan benefits. The City may also require the employee to repay any amounts the City paid on the employee's behalf to maintain benefits other than group health plan benefits.

If an employee does not return to work following 12 weeks of FMLA leave, the employee may be subject to COBRA continuation.

If the employee fails to pay the City a portion of the premiums for which they are responsible during the FMLA leave and the employee fails to return to work, coverage may end. Loss of coverage for failure to pay premiums is not a qualifying event for purposes of continuation coverage under COBRA.

FMLA – Qualified Exigency and Military Caregiver Leave

Qualified Exigency

Eligible employees whose spouse, son, daughter, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service.

The qualifying exigency must be one of the following: (1) short-notice deployment; (2) military events and activities; (3) childcare and school activities; (3) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; or (9) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Military Caregiver Leave

An employee eligible for FMLA leave who is the spouse, son, daughter, parent, or next of kin of a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.

The family member must be a current member of the Armed Forces (including a member of the National Guard or Reserves), who has a serious injury or illness incurred in the line of duty on active duty for which they are undergoing medical treatment, recuperation, or therapy, or otherwise is on outpatient status or on the temporary disability retired list.

Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, or members on the permanent disability retired list.

Definitions for this section

- A **“son or daughter of a covered servicemember”** means the covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- A **“parent of a covered servicemember”** means a covered servicemember’s biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”
- The **“next of kin of a covered servicemember”** is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin.
- **“Covered active duty”** means:
 - “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
 - “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of Title 10 of the United States Code.
- **“Covered servicemember”** means:

- An Armed Forces member (including the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy or otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness”; or
- A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- **“Serious injury or illness” means:**
 - In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
 - In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of their office, grade, rank or rating.

Amount of Leave – Qualified Exigency

An eligible employee can take up to 12 weeks of leave for a qualified exigency under the FMLA.

Amount of Leave – Military Caregiver

An eligible employee taking military caregiver leave is entitled to 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date.

Leave taken for any FMLA reason counts towards the 26-week entitlement. If an employee does not take all 26 workweeks of leave to care for a covered servicemember during this “single 12-month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered servicemember is forfeited. 29 C.F.R. § 825.127(e)(1) (2017).

Certification of Qualifying Exigency for Military Family Leave

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation

for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

The City will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

All other provisions of the FMLA policy, including Use of Paid Leave, Employee Status and Benefits During Leave, Procedure for Requesting Leave, and Benefits During Leave and Reinstatement, are outlined above in the FMLA policy.

Section 13.04 Paid Time Off (PTO)

The City believes that paid time off (PTO) is important to the health and well-being of our employees and as such, provides paid time off for eligible employees.

Paid time off promotes a flexible approach to time off, since each individual employee has unique needs for time off from work. Employees are accountable and responsible for managing their own PTO hours to allow for adequate reserves if there is a need to cover vacation, illness or disability, appointments, emergencies, funerals, or other needs that require time off from work.

Time off for designated holidays, jury duty, or military leave are not included in the PTO plan, and you will continue to receive these benefits in addition to your PTO benefits.

Employees covered by a collective bargaining agreement may be subject to a different accrual amounts and should refer to the language in the respective collective bargaining agreement. To the extent the terms of the PTO plan are inconsistent with other provisions of the City's personnel policy, the terms of the collective bargaining agreement shall govern.

Definitions

Unless otherwise indicated, the following terms shall have the meaning indicated below:

Eligible Employee. Except as otherwise provided a regular full-time employee, a regular part-time employee, or a limited term employee. Seasonal and temporary employees, as defined in the City personnel policy, and fire department employees shall be excluded as eligible employees.

Extended Medical Benefit (EMB). The number of hours an employee has earned that may be taken with pay, due to a serious health condition of the employee or the employee's immediate

family, necessitating the employee's absence from work after the initial forty (40) consecutive work hours of paid time off.

Paid Time Off (PTO). Hours earned that may be taken off with pay for any reason, and that must be used for the first forty (40) consecutive hours before an employee takes Extended Medical Benefit.

Immediate Family. An employee's spouse, children, stepchildren, parents or legal guardian, and siblings. See ESST policy for additional guidance defining immediate family.

Limited Term Employee. An employee hired for a position that has been designated by the City as a limited term position. Limited term positions are established for a fixed period of time or for a period of time otherwise designated by the City. The definition of Limited Term Employee does not include seasonal or temporary employees, as these terms are defined in the City personnel policy.

Regular Full-time Employee. An employee who has successfully completed the introductory period and who: (1) is scheduled to work 40 hours per workweek; or (2) has an alternative full-time schedule. This term does not imply that an employee has a vested right to continued employment.

Permanent Part-time Employee. An employee who has successfully completed their probationary period and who is regularly scheduled to work 28 hours or less per workweek.

Serious Health Condition. A "serious health condition", as defined under the Family & Medical Leave Act ("FMLA"). However, the Employer, in its sole discretion, may permit an employee to use EMB for injuries or illnesses to the employee or the employee's immediate family that do not fall within the FMLA's definition of serious health condition, and any such exceptions shall have no precedential effect with respect to future EMB requests by the same employee or other employees.

Severance Pay. Pay of accrued benefits to regular employees leaving City service in good standing.

Eligibility. Each person employed on a full-time basis in a regular or limited-term position shall earn paid PTO. Any permanent part-time employee shall earn paid PTO on a prorated basis. PTO may be taken only to the extent it is earned; employees may use the accrual they will receive on the current pay period's paid hours. Supervisors may not authorize advancing PTO not yet earned to an employee.

Certain positions at the Pokegama Golf Course and Parks & Recreation Department and Yanmar Arena will accrue PTO on a prorated basis based on hours worked; not hours paid.

Accrual

The amount of PTO available annually to regular full-time employees or limited-term employees is based on the length of employment using the most recent date of regular or limited-term employment according to the following schedule:

Completed Years of Employment Paid Time Off Accrued

Completed Years of Employment	Days per year	Hours per year	Hours per 80 hour pay period
Hire date through 4th anniversary	23	184	7.0769
After the 4th anniversary through the 9th	30	240	9.2320
After the 9th anniversary through the 14th anniversary	35	280	10.7692
After the 14th anniversary	39	312	12.

For all non-represented employees hired on or after July 1, 2014, the following paid time off accrual will be as follows:

Completed Years of Employment	Days per year	Hours per year	Hours per 80 hour pay period
Hire date through 1st anniversary	15	120	4.62
After the 1st anniversary through the 6th	20	160	6.15
After the 6th anniversary through the 10th anniversary	25	200	7.69
After the 10th anniversary	30	240	9.23

This PTO accrual schedule will be prospectively only. No employee shall be eligible for retroactive accrual of paid time off or other benefits as provided herein.

Permanent part-time employees will accrue PTO on a prorated basis pursuant to the above schedule, with such proration based on the actual hours worked by the permanent part-time employee

The City computerized payroll system is the official record for paid time off and extended medical benefit.

Non-exempt employees may carry over accumulated PTO hours from one year to the next up to a maximum of 248 hours (31 days). Accumulated PTO may not exceed 248 hours (31 days) on the employee's anniversary date. On the anniversary date, any accumulated unused PTO in excess of 248 hours will be forfeited.

Exempt employees may carry over accumulate PTO hours from one year to the next up to a maximum of 248 hours (31 days). Accumulated PTO may not exceed 288 hours (36 days) on the employee's anniversary date. On the anniversary date, any accumulated PTO above 248 hours and up to 40 hours will be deposited into a post-employment health care savings plan through the Minnesota State Retirement System; any excess of 288 hours will be forfeited.

Use of PTO

With supervisory approval, employees may request earned PTO for any reason. Accrued PTO may be used for an employee's illness or injury necessitating absence from work, except when the employee is eligible for the extended medical benefit, described below. Paid holidays that occur during PTO shall not be counted as PTO.

Good communication and advance planning are essential. PTO requests should be submitted to the employee's supervisor with at least two weeks-notice whenever possible. The Department Head retains the sole discretion in granting or denying discretionary PTO requests. An employee may be subject to discipline for improper use of PTO or for failure to obtain supervisory approval for discretionary use of PTO. In the event a Department Head does not approve an employee's discretionary use of PTO, such unapproved absence may be subject to discipline.

PTO During Worker's Compensation Injury

When an employee is eligible for worker's compensation benefits, the employee may supplement the worker's compensation benefits with a prorated portion of his or her accrued PTO or EMB so that the combination of the worker's compensation and PTO or EMB compensation equal the employee's regular net "take home" pay. An employee must use forty (40) consecutive hours of PTO, before taking EMB pursuant to this provision.

PTO for New Hire/Re-Hire

The Department Head, with the approval of the City Administrator and City Council, may offer a prospective employee credit for years of employment worked before employment with the City of Grand Rapids, solely for the purpose of computing the number of PTO and EMB days per year to which the prospective employee would be entitled upon employment with the City. Credit shall only be offered in situations where the prospective employee's training, education and experience makes the prospective employee uniquely qualified for the job for which application has been made. In no event shall the credit given put the prospective employee in a better position than current employees who hold substantially equivalent positions, and who are similarly situated with regard to training, education and experience.

Upon re-employment, credit for previous PTO and EMB will not be granted. PTO and EMB accrual will be earned on the same basis as a newly hired City employee.

Newly hired employees shall earn PTO hours upon hire. If, however, an employee is terminated during his or her introductory period, the employee shall forfeit any accrued, unused PTO at the time of termination.

Transfer of Unused PTO Time for Serious Health Conditions or Death

Employees may transfer earned PTO time to another employee who is suffering from or has an immediate family member suffering from a serious health condition or has an immediate family member who has passed away. If such an employee is unable to work for an extended period of time and has or is about to exhaust all PTO, and/or compensatory time, other employees may transfer earned PTO time to that employee under the following conditions:

The proposed recipient wants to participate.

The proposed recipient will authorize the employer to inform other employees of the proposed recipient's serious health condition or that of their immediate family member, or death of an immediate family member.

Human Resources and the City Administrator agree that a qualifying serious health problem exists or death occurred.

If the proposed recipient agrees, Human Resources will inform employees that they may transfer PTO hours to the recipient.

Due to the death of an immediate family member, the proposed recipient may receive up to five days of donated PTO.

Any employee wishing to donate accrued PTO should inform Human Resources of the number of PTO hours the employee wishes to donate, using the designated form for that purpose.

Human Resources may require medical certification of the serious health problem and information regarding its expected duration.

Any donated PTO hours will be deducted from the donor and credited to the recipient at the donor's pay rate.

The recipient of donated PTO shall not accrue PTO while using donated time.

If the recipient separates from City employment before using all of the donated PTO hours, the remaining donated time may not be converted to severance pay.

PTO Upon Termination or Retirement

Upon separation or retirement from City employment, a severance payment computed at the regular employee's current salary rate shall be made for PTO earned to all eligible employees. Employees who are terminated for just cause, for reasons other than a layoff or reduction in force, shall not be entitled to receive this severance payment. Since extended medical benefit is intended to provide income protection in the case of a serious health condition, it is not payable as severance upon separation from employment.

At the time of separation or retirement, all eligible employees will have the option to select one of the options listed below:

1. The entire balance of their accrued PTO deposited into their HCSP account, or
2. The employee may have their accrued PTO balance paid in cash at their regular rate of pay in effect at the time of separation or retirement.

The employee is expected to notify Human Resources which option they select prior to their last date of employment.

Cash payment will be subject to state and federal taxes.

Health Care Savings Plan

The HCSP is administered by the Minnesota State Retirement System and is used to reimburse for any qualified premiums (such as health or dental insurance) or medical expenses (such as eyeglasses, prescriptions, fees to doctors, hospitals, nursing care, etc.). after leaving City employment. Since payouts are used for medical expenses, they will remain *tax-free*. Funds are available for reimbursement only after termination of employment.

Other Benefits

Benefit accruals, such as paid time off (PTO) and holiday pay benefits, do not continue during periods of unpaid leave—except when required by law— and will resume upon your return to active employment.

Employees covered by a collective bargaining agreement may be subject to a different accrual amounts and should refer to the language in the respective collective bargaining agreement. To the extent the terms of the PTO plan are inconsistent with other provisions of the City's personnel policy, the terms of the collective bargaining agreement shall govern.

Section 13.05 Extended Medical Bank

Extended Medical Benefit (EMB) is an income-protection insurance that regular full-time, permanent part-time and limited-term employees accrue. EMB may be used after the first forty (40) consecutive hours of PTO are used for an absence for the employee's serious health condition. It may also be used to care for the employee's immediate family member's serious health condition. The forty (40) consecutive PTO hours waiting period for use of EMB shall apply to each separate incident of a serious health condition for which the employee seeks to use EMB.

For permanent part-time employees the waiting period before becoming eligible to use EMB shall be based on actual hours the permanent part-time employee is scheduled to work. For example, if a part-time employee is scheduled to work 20 hours per week, the waiting period before becoming eligible to use EMB shall be 20 consecutive work hours. If a part-time employee is scheduled to work 30 hours per week, the waiting period before becoming eligible to use EMB shall be 30 consecutive hours. Permanent part-time employees may only use EMB on a prorated basis and shall not be entitled to Extended Medical Benefits that exceed the regularly scheduled hours for the employee's period of absence.

EMB may be taken only to the extent it is earned; employees may use the accrual they will receive on the current pay period's paid hours. Regular full-time and limited-term employees shall accrue EMB according to the following schedule. Part-time employees accrue EMB on a prorated basis.

Extended Medical Benefit Accrual

Days Per Year	Hours Per Year	Hours Per 80 hour Pay Period
6	64	2.4616

Any employee who is newly hired by the City of Grand Rapids will receive a one-time deposit of 80 hours, 84 for police, of EMB time placed into his/her EMB bank at the time of hire.

Employees covered by a collective bargaining agreement may be subject to a different accrual amounts and should refer to the language in the respective collective bargaining agreement. To the extent the terms of the EMB plan are inconsistent with other provisions of the City's personnel policy, the terms of the collective bargaining agreement shall govern.

Use of EMB

Immediately upon the birth or adoption of the employee's child, an employee may use forty (40) consecutive hours of earned PTO and then up to eleven (11) weeks of accrued extended medical benefit.

Employees shall notify their immediate supervisor on the first day of a qualifying serious health condition and at appropriate intervals as required by the supervisor. When possible, PTO and EMB shall be requested in advance. Human Resources is the final authority on all EMB decisions. Human Resources may require a release of information and a medical certificate before approving the use of EMB. Employees may also be asked to provide a statement attesting to the employee's ability to return to work. Any employee using EMB may be placed on a concurrent FMLA leave.

An employee may accrue EMB up to 720 hours (90 days), and EMB shall cease to accrue until the balance drops below 720 hours. Employees may carry over accumulated Extended Medical Benefit time (up to the maximum of 720 hours) from one year to the next.

Employees covered by a collective bargaining agreement may be subject to a different accrual amounts and should refer to the language in the respective collective bargaining agreement. To the extent the terms of the EMB plan are inconsistent with other provisions of the City's personnel policy, the terms of the collective bargaining agreement shall govern.

Section 13.06 Unpaid Personal Leave

A personal leave of absence may be granted without pay to employees after having completed 6 months of continuous employment. Requests for unpaid personal leave will be granted for any reasonable purpose and extended for any reasonable period.

The leave may be granted for up to 31 calendar days. An extension up to an additional 31 days may be granted with approval. During the leave period employees will be required to arrange to pay their portion of the benefit premiums. If the leave extends beyond the initial 31 days, then benefit continuation will fall under COBRA.

An employee on unpaid personal leave may not engage in non-City employment without the prior written approval of the Human Resources Officer.

If an employee fails to report for work at the expiration of the approved leave period or call the Department Head to make other arrangements, the absence will be recognized as voluntary resignation.

Section 13.07 Medical Absence - Extension

A medical absence extension may be granted to employees who are either ineligible for leave under the City FMLA policy or who have exhausted their entitlement to that leave. A medical

absence extension may also be granted upon exhaustion of accumulated extended medical benefit. Employees requesting a medical absence extension must have the leave approved by the City Council for a period not to exceed 12 months. Failure to return to work at the expiration of the medical leave extension will be considered a voluntary resignation. Such leave is subject to prior certification by the attending medical authority, or a medical authority designated by the City. A medical leave will not be granted unless the employee provides a statement from a healthcare provider stating the need for the leave, the expected duration of the leave and a general explanation of the nature of the medical condition or disability. Returning employees may be required to submit certification from their physician of fitness for duty. An employee who has been off work for a year or more for medical reasons must serve an introductory period before being returned to regular or limited-term status.

Section 13.08 Military Leave

State and federal laws provide protection and benefits to City employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 workdays in any calendar year. City compensation is in addition to the military pay for these 15 days, as per MN Attorney General's Opinion.

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

Where possible, notice is to be provided to the City at least ten working days in advance of the requested leave. A training notice, signed orders, or battle assembly schedule are examples of typical written notification to share with the City.

If an employee has not yet used their fifteen days of paid leave when called to active duty, any unused paid time will be allowed for the active-duty time, prior to the unpaid leave of absence.

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

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

For reference see [Minn. Stat. 192.261](#); AG Opinion 310h-1(a).

Section 13.09 Military Leave for Family Members

The City will not discharge from employment or take adverse employment action against an employee because an immediate family member is in the military forces of the United States or Minnesota.

Nor will the City discharge from employment or take adverse employment action against an employee because they attend departure or homecoming ceremonies for deploying or returning personnel, family training or readiness events or events held as part of official military reintegration programs. Employees may substitute paid leave if they choose to do so.

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

For reference, see [Minn. Stat. § 181.948](#).

Section 13.10 Military Leave for Family Member Injured or Killed in Active Service

Employees will be granted up to ten working days of unpaid leave whose immediate family member (defined as a person's parent, child, grandparents, siblings or spouse) is a member of the United States armed forces who has been injured or killed while engaged in active service. The 10 days may be reduced if an employee elects to use appropriate accrued paid leave.

For reference, see [Minn. Stat. § 181.947](#) & [Minn. Stat. § 181.948](#).

Section 13.11 Civil Air Patrol

The City will grant employees an unpaid leave of absence for time spent serving as a member of the Civil Air Patrol upon request and authority of the state or any of its political subdivisions, unless the absence would unduly disrupt the operations of the City. Employees may choose to use paid time off (PTO) leave while on Civil Air Patrol Leave but are not required to do so.

Section 13.12 Jury Duty

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

Employees excused or released from jury duty during their regular working hours will report to their regular work duties as soon as reasonably possible or will take accrued paid time off (PTO) or compensatory time, if applicable, to make up the difference.

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

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

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

For reference, see [Minn. Stat. § 593.50](#).

Section 13.13 Court Appearances

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

Section 13.14 Victim or Witness Leave

An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony to attend criminal proceedings related to the victim's case.

Additionally, a victim of a violent crime, as well as the victim's spouse or immediate family member (immediate family member includes parent, spouse, child or sibling of the employee) may have reasonable time off from work to attend criminal proceedings related to the victim's case. An employee must give 48 hours advance notice to the City of their need to be absent unless it is impracticable, or an emergency prevents them from doing so. The City may request verification that supports the employee's reason for being absent from the workplace.

For reference, see Minn. Stat. § 611A.036.

Section 13.15 Job Related Injury or Illness

All employees are required to report any job-related illnesses or injuries to their Supervisor immediately (no matter how minor).

If a Supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify their Supervisor of the action taken. In the case of a serious emergency, 911 should be called.

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

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

Section 13.16 Minnesota Pregnancy and Parenting Leave

For reference, see [Minn. Stat. § 181.940](#) & [Minn. Stat. § 181.941](#).

Overview & Eligibility

All employees are entitled to take an unpaid pregnancy and/or parenting leave of absence under the Minnesota Women's Economic Security Act (WESA). Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions, as well as a biological or adoptive parent in conjunction with the birth or adoption of a child, are eligible for up to 12 weeks of unpaid leave. Any paid or unpaid leave taken for prenatal care medical appointments will not count toward the 12-week leave.

Additionally, leave under this section must begin within twelve months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employees should provide reasonable notice, which is at least 30 days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Interaction with Other Laws and Paid Leave

Leave under this section runs concurrently with FMLA when the leave is for the same purpose.

Additionally, employees may choose, but are not required, to use any accrued paid time off (PTO) or Sick Leave/Earned Sick and Safe Time (ESST) leave during this leave. When the employee is also receiving MN Paid Leave benefits, the combined weekly sum of MNPL benefits and any City-provided paid leave benefits cannot exceed your Individual Average Weekly Wage (IAWW). For more information, contact Human Resources.

For reference, Minnesota Statute § 181.943(a) provides cities the option to run paid parental, disability, personal, medical, sick leave, or accrued vacation leave concurrently with unpaid pregnancy and parenting leave under section 181.941.

Job Reinstatement

The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave.

Group insurance coverage, including any employer contributions toward the benefits, will continue while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, provided the employee continues to pay any employee share of the cost of the benefits, if any exist.

In addition to maintaining group insurance coverage, the City must continue to pay any employer contributions toward a benefit if the employee continues to pay the employee share of the cost.

The City will inform employees of their parental leave rights at the time of hire and when an employee makes an inquiry about or requests parental leave.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting parental leave rights or remedies.

Section 13.17 Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy

The City will attempt to provide a female employee who requests reasonable accommodation with the following accommodations for her health conditions related to her pregnancy or childbirth without advice of a licensed health care provider or certified doula:

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

Additionally, an employer must provide reasonable accommodations, including, but not limited to, temporary leaves of absence, modification in work schedule or job assignments, seating, more frequent or longer break periods and limits to heavy lifting to an employee for health conditions related to pregnancy or childbirth upon request, with the advice of a licensed health care provider or certified doula, unless the employer demonstrates the accommodation would impose an undue hardship on the operation of the employer's business. In accordance with state law, no employee is required to take a leave of absence for a pregnancy nor accept a pregnancy accommodation.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting reasonable accommodations pregnancy rights or remedies.

Reference [Minn. Stat. § 181.939](#), pregnancy accommodation changes and [Minn. Stat. § 181.9414](#).

Section 13.18 Reasonable Work Time for Nursing Mothers and Lactating Employees

Nursing mothers and lactating employees will be provided reasonable paid break times (which may run concurrently with already provided break times) to express milk.

The City will provide a clean, private and secure room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting nursing rights or remedies.

Section 13.19 Administrative Leave

Under special circumstances, an employee may be placed on an administrative leave pending the outcome of an internal or external investigation, or an employee undergoing a fitness-for-duty examination. The leave may be paid or unpaid, depending on the circumstances, as determined by the City Administrator with the approval of the City Council.

Section 13.20 Adoptive Parents

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave).

The leave must be for the purpose of arranging the child's placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

Section 13.21 School Conference Leave

Any employee may take unpaid leave for up to a total of sixteen hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the City. Employees may choose to use accrued paid time off (PTO) hours for this absence but are not required to do so.

Section 13.22 Bone Marrow/Organ Donation Leave

Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours, unless agreed to by the City, to undergo medical procedures to donate bone marrow or an organ. The 40 hours is over and above the amount of accrued time the employee has earned.

The City may require a physician's verification of the purpose and length of the leave requested to donate bone marrow or an organ. If there is a medical determination that the employee does not qualify as a bone marrow or organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

An employer shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting bone marrow or organ donation leave rights or remedies.

Section 13.23 Elections/Voting

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off with pay for purposes of serving as an election judge, provided the employee gives the City at least twenty days written notice, including a certification from the appointing authority stating the hourly compensation to be paid the employee for service as an election judge and the hours during which the employee will serve. The City may reduce the wages of an employee serving as an election judge by the amount paid to the election judge by the appointing authority during the time the employee was absent from the place of employment.

Thus, employees will be paid the difference between their pay as an election judge and their regular rate of pay for their normal workday.

The City reserves the right to restrict the number of employees absent from work for the purpose of serving as an election judge to no more than 20 percent of the total work force at any single worksite.

All employees eligible to vote at a state general election, at an election to fill a vacancy in the office of United States Senator or Representative, or in a Presidential primary, will be allowed time off with pay to vote on the election day. Employees wanting to take advantage of such leave are required to work with their Supervisors to avoid coverage issues.

Employees may be absent from work without penalty or deduction from salary or wages for the time necessary to vote to include voting during the period allowed for voting in person before election day.

For reference, see [Minnesota Stat. § 204C.04](#) & [Minn. Stat. § 204B.195](#).

For reference, see [Office of Minnesota Secretary of State re: Time off for Employees to Serve as Election Judges](#).

Section 13.24 Delegates to Party Conventions

An employee may be absent from work to attend any meeting of the state central committee or executive committee of a major political party if the employee is a member of the committee. The employee may attend any convention of a major political party delegate, including meetings

of official convention committees if the employee is a delegate or an alternate delegate to that convention.

Per the statutory requirement, the employee must give at least ten days written notice of their planned absence to attend committee meetings or conventions. Time away from work for this purpose will be considered unpaid unless the employee chooses to use paid time off (PTO) leave during their absence.

For reference, see [Minn. Stat. § 202A.135](#).

Section 13.25 Athletic Leave of Absence

An employee⁴ who qualifies as a member of the United States team for athletic competition on the world championship, Pan American, or Olympic team in a sport sanctioned by the International Olympic Committee, shall be granted a leave of absence without loss of pay or other benefits for the purpose of preparing for and engaging in the competition.

In no event shall the paid leave exceed the period of official training camp and competition combined, or 90 calendar days a year, whichever is less. The employee shall provide documentation establishing their participation on said team and in said event.

Reference [Minn. Stat. § 15.62](#).

Article XIV. DIVERSITY, EQUITY AND INCLUSION

Section 14.01 General

The City of Grand Rapids is committed to fostering, cultivating, and preserving a workplace where all individuals are valued, respected, and included.

Our policy is to be welcoming, safe, and equitable to all employees and members of the community. By embracing a diversity of experiences, backgrounds, and perspectives, the City recognizes we are more efficient, effective, and responsive. The goal of our policy is for the work environment to be free of unlawful harassment, discrimination, and retaliation.

Furthermore, it is our belief that:

- We are more efficient when all are valued and included
- We are more effective when we leverage our different ideas, backgrounds and identities
- We are more responsive when we acknowledge and reflect the identity and experience of our residents and colleagues

Section 14.02 Definitions within this section

Cultural Competence: the ability to interact effectively across difference. We acknowledge that a 'one size fits all' approach is not effective and actively seek ways to make our services accessible and culturally relevant.

Unlawful Discrimination: unfair treatment because of a protected class status.

Diversity: Recognizes the unique differences of all individuals. This includes the many apparent and non-apparent ways which people differ in their identity such as: age, gender and gender identity, race, ethnicity, national origin, language, religious beliefs, sexual orientation, veteran status, gender identity, mental or physical ability, marital status, family status, or educational background.

Equity: the principle of fairness by seeking to remove barriers and increase access to services. This includes understanding and acknowledging historical and ongoing inequities between groups of people and a commitment to actions that challenge those inequities.

Unlawful Harassment: unwelcome conduct that is based on a protected class status that is intimidating, hostile or abusive. This includes sexual harassment.

Inclusion: an environment that is built on respect and which creates a sense of belonging for all who live and work here. By being inclusive we acknowledge and value individual contribution as well as the background and identity of those with whom we work, partner, or serve.

Section 14.03 Policy Statement

It is the City's policy to respect culture and reduce bias in our workplace and service delivery.

The commitment to inclusion, diversity, and equity influences the work that is performed by the City, the workplace environment, relationships between employees, and relationships between the City and community.

While individual employees have their own beliefs and values, performing work on behalf of the City requires upholding cultural competence and respect to ensure work occurs that not only meets, but also exceeds, our obligations under federal and state law.

The City of Grand Rapids values all diversity and recognizes individual protected-class status as defined under state and federal law and seeks to ensure equal opportunities in all phases of employment. The City expects each employee to cooperate to achieve this goal and personally stand behind the principles as defined within this policy.

All employees of the City are expected to act and perform their work professionally, including respecting cultural differences. Pursuant to the City's Unlawful Discrimination and Harassment Prevention Policy/Respectful Workplace Policy, unlawful discrimination, including harassment,

will not be tolerated. Any employee found to have exhibited any inappropriate conduct or behavior may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination that conflicts with this policy should follow the reporting procedures as outlined below.

Article XV. UNLAWFUL DISCRIMINATION AND HARASSMENT PREVENTION/RESPECTFUL WORKPLACE POLICY

Section 15.01 Policy Statement

The City of Grand Rapids is committed to creating, promoting, and maintaining a diverse and inclusive work environment where employees, members of boards and commissions, elected officials and “third parties” (e.g., job applicants, volunteers, contractors/vendors, members of the public, and other persons visiting the workplace and public service environment) are respected and valued in the workplace and at City-sponsored social events.

The intent of this policy is to promote a respectful workplace and public service environment free from unlawful discrimination or harassment, violence, and disrespectful behavior by providing general guidelines as to what constitutes disrespectful behavior, discrimination, or harassment. This policy applies to all forms of discrimination, harassment, violence, and disrespectful behavior in the workplace, and covers all employees, members of boards and commissions, elected officials, and “third parties” (e.g., job applicants, volunteers, contractors/vendors, members of the public, and other persons visiting the workplace and public service environment) both in the workplace and other City-sponsored social events.

The City acknowledges this policy cannot possibly predict all situations that might arise, and also recognizes that some employees can be exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

Section 15.02 Equal Employment Opportunity Employer

The City of Grand Rapids is committed to providing equal opportunity in all areas of employment, including but not limited to recruitment, hiring, demotion, promotion, transfer, selection, lay-off, disciplinary action, termination, compensation and selection for training. The City of Grand Rapids will not discriminate against any employee or job applicant on the basis of race (including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs and twists) color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

Section 15.03 Responsibilities

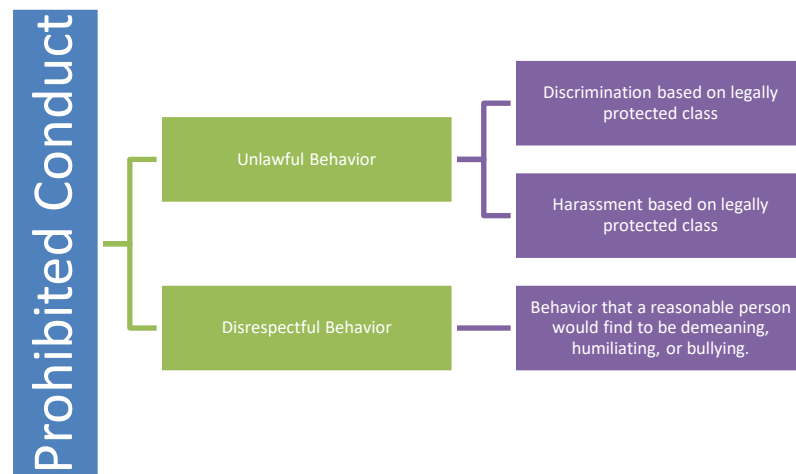
Employees, volunteers, elected officials, commissioners, and other third parties are expected to:

- Conduct themselves in a manner that demonstrates respect for others in the workplace and public service environment.
- Except for instances of suspected unlawful discrimination and harassment based on a legally protected class, *only when the employee is comfortable doing so*, use informal means to address issues with the individual(s) involved whenever possible.
- Participate fully and in good faith in any informal resolution process or formal complaint and investigative process for which they may have relevant information.
- Report incidents that may violate this policy in accordance with processes identified in this policy.

In addition to their responsibilities as employees as described above, managers and Supervisors are also expected to:

- Inform their employees and third parties for whom they are responsible of the expectations outlined in this policy.
- Achieve and maintain compliance with this policy.
- Take timely and appropriate action when a complaint is made alleging violation of this policy.

Section 15.04 Prohibited Conduct



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

- A. Unlawful Discrimination and Harassment based on legally protected class:

Discrimination and harassment consists of behaviors that are based on an employee's legally protected characteristics such as race (including traits associated with race, including, but not limited to, hair texture and hair styles such as braids, locs and twists) color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, or gender expression, disability, age, marital status, genetic information, status with regard to public assistance, veteran status, familial status, membership on a local human rights commission, lawful participation in the Minnesota Medical Cannabis Patient Registry, or any other characteristic protected by local, state, or federal law.

More specifically, discrimination and harassment may include, but are not limited to, the following behaviors when based on an employee's legally protected characteristic(s):

- Conduct that imposes conditions on any element of the person's employment unless otherwise permitted or required by applicable law.
- Conduct of any type (verbal, written, graphic, electronic or physical) which unreasonably interferes with the person's ability to perform their job or creates a hostile, threatening, or intimidating work environment.

B. Sexual Harassment

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

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

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

- Unwelcome or unwanted sexual advances.
 - This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.

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

C. Disrespectful behavior for any reason:

Disrespectful behavior may or may not be intentional. Unintentional disrespectful behavior may still violate this policy. It is not possible to anticipate in this policy every example of offensive behavior.

Accordingly, employees are encouraged to discuss with their fellow employees and Supervisor what is regarded as offensive, considering the sensibilities of employees and the possibility of public reaction.

Although the standard for how employees treat each other and the general public will be the same throughout the City, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their Supervisor or the City Administrator.

Examples of disrespectful behavior include but are not limited to:

- Exhibiting aggressive behaviors including shouting, abusive language, threats of violence, the use of obscenities or other non-verbal expressions of aggression.
- The use of physical force, bullying or intimidation.
- Behavior that a reasonable person would find to be demeaning, humiliating, or bullying.
- Repeatedly or deliberately mispronouncing a person's name, including use of an unwelcome nickname, or shortening a name without permission.

- Microaggressions, which may have the appearance of being harmless. Microaggressions include comments, behavior, or other interactions that intentionally or unintentionally communicate hostility or bias toward a person who is a member of a marginalized group.
- Comments, behavior, or other interactions are often rooted in a bias towards a certain group.
- Deliberately destroying, damaging, or obstructing someone's work performance, work product, tools, or materials.
- Use of this policy and procedure to make knowingly false complaint(s).
- Repeatedly mispronouncing employee's name or pronoun (e.g., she/her/hers, he/him/his, they/them/their), or title (e.g., Mrs., Mr., Ms.). A court-ordered name or gender change is not required for an employee to use a different name or pronoun in the workplace.

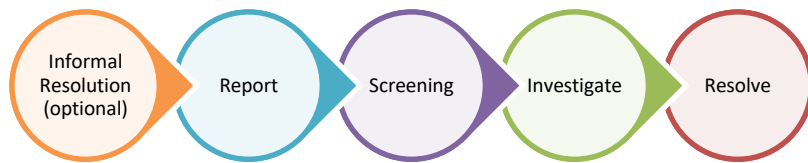
Overall, context is important in understanding the difference between respectful behavior and disrespectful behavior. Individuals may experience stress or discomfort in the workplace that is not related to disrespectful behavior. For example, disrespectful behavior does not include:

- The normal exercise of Supervisory or managerial responsibilities, including, but not limited to performance reviews, work direction, performance management, and disciplinary action provided they are conducted in a respectful, professional manner.
- Disagreements, misunderstandings, miscommunication, or conflict situations where the behavior remains respectful.

Section 15.05 Reporting Process & Procedure

All employees should feel comfortable calling their Supervisor or another manager to request assistance should they not feel comfortable with a situation. If situations involve violent behavior call the police, ask the individual to leave the area, and/or take other reasonable action.

When an employee comes forward with a workplace complaint, it is important to note the City cannot promise complete confidentiality, due to the need to investigate the issue properly. However, any investigation process will be handled as confidentially as practical and related information will only be shared on a need-to-know basis and in accordance with the Minnesota Government Data Practices Act and/or any other applicable laws.



A. Informal Resolution (Optional)

If you feel comfortable doing so, professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

All instances of suspected discrimination or harassment based on a legally protected class must be reported pursuant to the process outlined below.

B. Report

Any persons who believe they have been discriminated against should report the violation to a member of the department management staff.

At any point in the complaint process, however, a person may contact the City Administrator or Human Resources Officer. Any complaint received by management will be treated as confidential and reported to the Human Resources Officer.

➤ *Suspected unlawful harassment and discrimination*

Any employee who observes or experiences unlawful harassment, including sexual harassment, discriminatory behavior, or receives any reliable information about such conduct, must immediately submit a report to a Supervisor or Human Resources Officer. If these individuals are suspected to be involved with the complaint, follow the reporting protocol in the “Special reporting requirements” section below.

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

➤ *Disrespectful behavior*

If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, you may report the incident your Supervisor, Human Resources, your

Supervisor's Supervisor, or the City Administrator. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter.

In some situations, such as with an offender from the public, it is preferable to avoid one on one interactions. Talk to your Supervisor about available options to ensure there are others available to help with transactions with the individual.

➤ *Special reporting requirements*

When the Supervisor is perceived to be the cause of the suspected violation, a report will be made to Human Resources who will determine how to proceed in addressing the complaint as well as appropriate discipline.

If the City Administrator or Human Resources officer is perceived to be the cause of the suspected policy violation, a report will be made to the City attorney who will confer with the Mayor and City Council regarding appropriate investigation and action.

If a councilmember is perceived to be the cause of the suspected policy violation, the report will be made to Human Resources and the City Administrator and referred to the City attorney. Depending on the nature of the allegations, the City Council may authorize an investigation by an independent investigator (consultant), in which case the independent investigator will report their findings to the City Council. The City will take reasonable and timely action, depending on the circumstances of the situation.

If an elected or appointed City official (e.g., council member or commission member) is the victim of a suspected policy violation, the City attorney will be consulted as to the appropriate course of action

C. Screening

In most cases, as soon as practical after receiving the written or verbal complaint, the alleged policy offender will be informed of the allegations, and the alleged offender will have the opportunity to answer questions and respond to the allegations at some point in the City's process. The City will follow any other applicable policies or laws in the investigatory process.

➤ *Unlawful harassment and discrimination reports*

In the case of reported unlawful harassment, including sexual harassment, or discriminatory behavior, a Supervisor must report the allegations promptly to the City Administrator, who will determine whether an investigation is warranted. A Supervisor must act upon such a report even if requested otherwise by the victim.

➤ *Disrespectful behavior reports*

If the nature of the allegations and the wishes of the victim warrant a simple intervention, the Supervisor may choose to handle the matter informally. The Supervisor may conduct a coaching session with the alleged offender, explaining the impact of their actions and requiring the conduct not reoccur. This approach is particularly appropriate when there is some ambiguity about whether the conduct rose to the level of disrespectful behavior.

Even if resolved informally, the Supervisor must notify the City Administrator about the allegations (assuming the allegations do not involve the City Administrator).

D. Investigate

If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. Formal investigations will be prompt, impartial, and thorough. Typically, the investigator will obtain the following description of the incident, including date, time and place:

- Corroborating evidence.
- A list of witnesses.
- Identification of the alleged offender.

To facilitate fostering a respectful work environment, all employees are encouraged to respond to questions or to otherwise participate in investigations.

A person reporting or witnessing a violation of this policy cannot be guaranteed anonymity. The person's name and statements may have to be provided to the alleged offender. All complaints and investigative materials will be contained in a file separate from the involved employees' personnel files. If disciplinary action does result from the investigation, the results of the disciplinary action will then become a part of the employee(s) personnel file(s).

E. Resolve

After adequate investigation and consultation with the appropriate personnel, a decision will be made regarding whether or not disciplinary action will be taken. As part of this process, the Human Resources Officer may, at their discretion, take appropriate action to protect the alleged victim, other employees, or citizens.

The alleged offender and complainant will be advised of the findings and conclusions as soon as practicable and to the extent permitted by the Minnesota Government Data Practices Act.

The City will take reasonable and timely action in a fair and objective manner, depending on the circumstances of the situation.

Section 15.06 Retaliation

Retaliation is strictly prohibited against any employee or third party who:

- Initiates a complaint.
- Reports an incident that may violate this policy.
- Participates in an investigation related to a complaint.
- Is associated or perceived to be associated with a person who initiates a complaint or participates in the investigation of a complaint under this policy.
- Reports a complaint of unlawful harassment or discrimination to a local, state, or federal enforcement agency or participates as a witness in an external investigation by an enforcement agency.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment because an employee engaged in one of the above-mentioned behaviors.

While each situation is very fact dependent, generally speaking, retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of EEO laws.

It can also include threats of reassignment, removal of Supervisory responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media and making false report to government authorities because an employee has engaged or may engage in protected activities. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

If you feel retaliation is occurring within the workplace, report your concern immediately to any of the following:

1. Immediate Supervisor;
2. Immediate Supervisor's Supervisor
3. Department Head
4. Human Resources
5. City Administrator
6. In the event an employee feels retaliation has occurred by the City Administrator or the City Council, then reporting may be made to the City attorney.

Supervisors who have been approached by employees with claims of retaliation will take the complaint seriously and promptly report the allegations promptly to the City Administrator, or if the complaint is against the City Administrator to the City attorney, who will decide how to proceed in addressing the complaint.

Consistent with the terms of applicable statutes and City personnel policies, the City may discipline any individual who retaliates against any person who reports alleged violations of this policy. The City may also discipline any individual who retaliates against any participant in an investigation, proceeding or hearing relating to the report of alleged violations.

Section 15.07 Violations

Failure to comply with this policy and its procedures may result in disciplinary action, up to and including discharge, or ending a contractor or volunteer relationship with the City.

Determination of discipline or other corrective action will be made on a case-by-case basis, depending upon the circumstances of the matter, including the type of misconduct alleged, the context in which the alleged acts or statements occurred, and any other facts deemed relevant.

Article XVI. POSSESSION AND USE OF DANGEROUS WEAPONS

Possession or use of a dangerous weapon (see Article III, Section 3.49 for definition) is prohibited on City property, in City vehicles, or in any personal vehicle which is being used for City business. This includes employees with valid permits to carry firearms.

The following exceptions to the dangerous weapons prohibition are as follows:

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property.
- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

Article XVII. SEPARATION FROM SERVICE

Employees wishing to leave the City service in good standing must provide a written resignation notice to their Supervisor, at least ten working days before leaving.

Exempt employees must give thirty calendar days' notice. The written resignation must state the effective date of the employee's resignation.

Unauthorized absences from work for a period of two consecutive workdays may be considered as resignation without proper notice. Failure to comply with this procedure may be cause for denying the employee's severance pay and any future employment with the City.

Section 17.01 Retirement

Mandatory retirement is not required except as allowed by law for public safety officers.

Employees may voluntarily retire as set forth in the Public Employee's Retirement Association Law. To retire in good standing, non-exempt employees must notify their Department Head and City Administrator in writing, at least fourteen (14) calendar days before the effective date of the retirement, their intent to retire and the effective date of the retirement. To retire in good standing, exempt employees must notify their Department Head and City Administrator in writing, at least thirty (30) calendar days before the effective date of the retirement, their intent to retire and the effective date of the retirement.

Section 17.02 Resignation and Termination

Resignation is a voluntary act initiated by the employee to terminate employment with the employer. To resign in good standing, non-exempt employees must notify their Department Head and City Administrator in writing, at least fourteen (14) calendar days before the effective date of the resignation, their intent to resign and the effective date of the resignation.

To resign in good standing, exempt employees must notify their Department Head and City Administrator in writing, at least thirty (30) calendar days before the effective date of the resignation, their intent to resign and the effective date of the resignation.

Resignation notices may be rescinded only before the final working day. In order to be effective, the rescission must be approved by the Department Head.

With prior approval from the Department Head, accrued paid time off (PTO) may be used during the minimum notice period, if deemed to be in the best interest of the City. The City Council may waive the written notice and time frame when it is deemed to be in the best interest of the City. A separation not in good standing shall be noted in the employee's record. In such case, the employee shall be considered ineligible for reemployment or reinstatement.

Employees who are able and prepared to return to work at the expiration of a leave of absence, but for whom no position is available, and employees who are unable to return to work at the expiration of a leave because of continuing disability, may be released from their employment, consistent with applicable laws.

An employee who is absent from work for a period of two consecutive working days or more without notifying Human Resources of the reasons for the absence and receiving permission to remain away from work shall be deemed to have voluntarily resigned. The same may apply when an employee fails to return to work within two working days of the expiration of an authorized leave.

Introductory, temporary, and emergency employees may be dismissed from City service without prior notice and without right to appeal.

Section 17.03 Termination or Retirement Severance

Upon separation or retirement from City employment, a severance payment computed at the regular employee's current salary rate shall be made for PTO earned to all eligible employees. Employees who are terminated for just cause, for reasons other than a layoff or reduction in force, shall not be entitled to receive this severance payment. Since extended medical benefit is intended to provide income protection in the case of a serious health condition, it is not payable as severance upon separation from employment.

At the time of separation or retirement, all eligible employees will have the option to select one of the options listed below:

3. The entire balance of their accrued PTO deposited into their HCSP account, or
4. The employee may have their accrued PTO balance paid in cash at their regular rate of pay in effect at the time of separation or retirement.

The employee is expected to notify Human Resources which option they select prior to their last date of employment.

Cash payment will be subject to state and federal taxes.

Section 17.04 Exit Interview

Employees who are separated from employment with the City may receive an exit interview. PTO, continuation of group insurance coverage, forwarding addresses, return of City property and employee concerns or other issues may be discussed during the interview.

Article XVIII. DISCIPLINE

Section 18.01 General Policy

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

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

Section 18.02 No Contract Language Established

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

Section 18.03 Process

The City may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the employee.

There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any City employee has a contractual right or guarantee (also known as a property right) to the job they perform.

Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee. The following are descriptions of the types of disciplinary actions:

(a) Oral Reprimand

This measure will be used where informal discussions with the employee's Supervisor have not resolved the matter. All Supervisors have the ability to issue oral reprimands without prior approval.

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

(b) Written Reprimand

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period of time.

Serious infractions may require skipping either the oral or written reprimand, or both. Written reprimands are issued by the Supervisor with prior approval from the City Administrator.

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

Employees will be given a copy of the reprimand to sign acknowledging its receipt. An employee's signature does not mean the employee agrees with the reprimand. Written reprimands will be placed in the employee's personnel file.

(c) Suspension With or Without Pay

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

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

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

(d) Demotion and/or Transfer

An employee may be demoted or transferred if attempts at resolving an issue have failed and the City Administrator determines a demotion or transfer to be the best solution to the problem.

The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

(e) Dismissal

The City Administrator, with the approval of the City Council, may dismiss an employee for substandard work performance, serious misconduct, or behavior not in keeping with City standards.

If the disciplinary action involves the removal of a qualified veteran, who has completed their initial probationary period, the appropriate hearing notice will be provided, and all rights will be afforded the veteran in accordance with Minnesota law.

Section 18.04 Methods of Notifying an Employee of a Disciplinary Action

Written Reprimand, Suspension or Demotion

Notice may be given either:

1. in person; or
2. by first-class mail and certified mail, return receipt requested, to the last address provided to the Administration Department. Service by mail is complete upon mailing.

Copies of the disciplinary notice shall be distributed to the following:

1. the employee
2. the employee's Department Head;
3. the employee's personnel file kept by the Administration Department.

Discharge

Notice of Intent:

If City Administrator believes that there is just cause to discharge an employee, the City Administrator shall notify the employee, in writing, of the intent to do so. The written notice of intent to discharge shall contain brief description of the basis for the discharge and subsequent course of action.

Pre-Termination Hearing:

The purpose of a pre-termination hearing is to allow the employee to supply the employer with information and/or argument against the proposed termination.

Final Notice:

Discharges will only be effective after consultation and approval of the City Council if the circumstances permit.

Additional Notice and Procedural Requirements for Veterans

In addition to the requirements set forth above, veterans who are demoted or discharged from any position that is not temporary are entitled to these additional rights:

The employee must be notified, in writing, of the employee's right to request a veteran's hearing within sixty days of the notice of intent to discharge.

During the sixty (60) day period, at the option of the employee's department, the employee will either (a) work the employee's regular hours at a job designated by the department, or (b) will be placed on a suspension with pay.

Failure to request a hearing within the sixty (60) day period shall constitute a waiver by the employee of the right to a hearing and all other legal remedies for reinstatement.

A veteran may elect either:

1. A veteran's hearing, or
2. An appeal hearing available to non-veteran employees under these Personnel Rules and Regulations.

The election of one of these remedies constitutes the waiver of the other remedy.

Article XIX. GRIEVANCE PROCEDURE

It is the policy of the City of Grand Rapids to provide employees a means of communicating disagreements or disputes involving the interpretation or application of the personnel policies and procedures approved by the City Council. These established, formal procedures ensure employees access to all levels of management, complete and impartial hearings, and expedient objective resolutions to problems.

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

Grievances are related to actions taken by Supervisors, Department Heads, appointing authorities, and City Administration and do 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
- This policy itself, or changes to this made by the City Council
- Termination of introductory or temporary employees
- Extension of introductory periods of evaluation up to a maximum of 12 calendar months

Section 19.01 Limitations

An employee who commences a grievance proceeding under the provisions of a bargaining unit agreement is precluded from grieving the same issue a second time under these Policies. Similarly, commencement of a grievance proceeding under these Policies shall preclude the employee from grieving the same issue under the collective bargaining agreement.

Section 19.02 Procedures

It is the policy of the City to address all grievances promptly and fairly. 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 a fair and impartial hearing, any dispute between an employee and the City relative to the application, meaning or interpretation of these personnel policies will be settled in the following manner:

Step 1: The employee must present the grievance in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested, to the proper

Supervisor within twenty-one days after the alleged violation or dispute has occurred. The Supervisor will respond to the employee in writing within seven calendar days.

Step 2: If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the date at which the incident allegedly occurred, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the City Administrator within seven days after the Supervisor's response is due. The City Administrator or their designee will respond to the employee in writing within seven calendar days.

The decision of the City Administrator is final for all disputes with exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

Employees covered by a collective bargaining agreement may be subject to a different procedure and should refer to the language in the respective collective bargaining agreement.

Section 19.03 Employee Protection

Employees and their counsel, if also a City employee, may pursue 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.

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

Section 19.04 Waiver

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

The following actions are not grievable:

- While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not.

- Pay increases or lack thereof; and
- Merit pay awards.

The above list is not meant to be all inclusive or exhaustive. Employees covered by a collective bargaining agreement may be subject to a different procedure and should refer to the language in the respective collective bargaining agreement.

Article XX. EMPLOYEE EDUCATION & TRAINING

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

Section 20.01 Policy

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

Section 20.02 Job-Related Training & Conferences

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

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

The Supervisor and the City Administrator are responsible for determining job-relatedness and approving or disapproving training and conference attendance.

Section 20.03 Job-Related Meetings

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

Section 20.04 Compensation for Travel & Training Time

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

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

Section 20.05 Memberships and Dues

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

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

Section 20.06 Travel & Meal Allowance

If employees are required to travel outside of the area in performance of their duties as a City employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. In no case will City funds be used to pay for, or reimburse, for events sponsored by or affiliated with political parties.

The City will not reimburse employees for meals connected with training or meetings within City limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting. The City will also not reimburse employees for the costs for travel of family members.

Employees who find it necessary to use their private automobiles for City travel and who do not receive a car allowance will be reimbursed at the prevailing mileage rate as established by the City Council, not to exceed the allowable IRS rate.

Expenses for meals, including sales tax and gratuity, will be reimbursed according to this policy. No reimbursement will be made for alcoholic beverages.

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

Article XXI. SECONDARY EMPLOYMENT

The potential for conflicts of interest is lessened when individuals employed by the City of Grand Rapids regard the City as their primary employment responsibility. All secondary employment is to be reported to the employee's immediate Supervisor and Human Resources. If a potential conflict exists based on this policy or any other consideration, the Supervisor will consult with Human Resources.

Any City employee accepting secondary employment determined by the City Administrator to be in conflict with the employee's City job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

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

- Secondary employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a permanent part-time employee's regular work schedule.
- Secondary employment must not interfere with the employee's ability to fulfill the essential requirements of their position.
- The employee must not use City equipment, resources or staff in the course of the outside employment.
- The employee must not violate any City personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which they are also being compensated by the City. Work performed for others while on approved paid time off or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- Departments may establish more specific policies as appropriate, subject to the approval of the City Administrator.

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

Section 21.01 Conflicts of Interest

All employees are expected to conduct business with integrity and in accordance with the highest ethical standard. In order to avoid any real or perceived involvement in a conflict of interest, employees should not only refrain from any direct conflicts but should also not refer City business transactions to a member of your family or other persons with whom there may exist a personal, business or financial relationship.

A conflict of interest includes:

- Any situation where you may obtain personal gain or potential personal gain; or which may serve as a detriment to the City of Grand Rapids, either monetarily or to its public image because of the use of information.
- Personal contact usually not attainable except through employment.
- Any outside activity that may interfere with the operations of the City.

- Any outside activity that may be viewed as competing with the services usually offered by the City.

Employees who are in doubt as to whether an activity violates this policy must discuss the matter in advance with their Supervisor or with City Administration.

Article XXII. CITY DRIVING POLICY

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

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

Section 22.01 Use of Equipment and Vehicles

Equipment and vehicles essential to the services we provide are expensive and may be difficult to replace. When using property, you are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines.

Please notify your Department Head if any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Your Supervisor can answer any questions about your responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive or unsafe use or operation of equipment can result in reasonable suspicion for drug/alcohol screening, disciplinary action, up to and including termination. If an employee negligently damages property or equipment, that person may be personally responsible for paying for the damage.

No City materials, equipment or tools may be removed from City properties at any time for personal use or gain. City owned equipment and vehicles may only be used during the regular hours of operations of the City.

No salvage material belonging to the City may be removed, collected or sold for personal gain, whether using City time or equipment or using personal time or equipment.

No employee shall operate or ride in a City vehicle or personal vehicle while on City business without a safety belt properly fastened.

All City vehicles are designated as “Non-smoking Vehicles”.

Section 22.02 Take Home Vehicle and Motorized Equipment Vehicle Use Policy

This policy will not apply to emergency vehicles assigned to the Police and Fire Departments, as they have existing policies.

Each employee authorized to use a City vehicle will sign a statement that he or she has read and understands the policy.

Definitions

1. Take-Home Vehicle – Any car, truck, or special equipment vehicle that is owned, leased, or rented by the City, which is assigned to a particular employee to take home for business-related purposes as identified in this policy.
2. Motorized Equipment Vehicle – Any passenger vehicle or truck, self-propelled equipment, trailer, or trailer-mounted equipment that is towed by a self-propelled piece of equipment, which may be marked or unmarked with City identification, and/or licenses for use on public roadways and/or off road.
3. City Vehicle – Includes both take-home vehicle and motorized equipment vehicles.
4. Unmarked Vehicle – A City vehicle that is not easily identified as used by a City employee. Examples of such vehicles would be those used in fire and police criminal investigation and by detective personnel.

General Statement

Employees assigned take-home vehicles for daily use and commuting purposes or operating motorized equipment vehicles are governed by the following general policy and philosophy and by Minn. Stat. § 471.666. City take-home vehicles are not personal vehicles and are not to be used for personal use. All City take-home vehicles should be viewed as belonging to the City of Grand Rapids and are assigned for commuting only for purposes consistent to solely providing services to the City.

General Policies

1. Passengers in City vehicles shall be limited to City employees and individuals who are directly associated with City work activity (City Council, committee members, consultants, contractors, etc.) and/or individuals participating in a bona fide “Ride Along” event.

Family members shall not be transported in City vehicles. If an accident or medical emergency arises necessitating transport of passengers other than City personnel, the employee assigned the vehicle shall notify his immediate Supervisor as soon as possible of the nature of the emergency.

2. City vehicles should carry only those items for which the vehicle is designed or utilized. Personal property, other than daily use items such as handbags, briefcases, umbrellas, and coats should not be transported in the vehicle.
3. Vehicle Operation: The operators of City vehicles must observe and obey all traffic ordinances, rules, and regulations, including:
 - a. Operate vehicle at, below posted speed limits, or at lower speeds if road conditions require a lower speed.
 - b. Operate vehicles in a safe and responsible manner.
 - c. Drivers and all passengers are required to wear a seat belt whenever a vehicle is in motion.
 - d. All doors must be closed and secure when a vehicle is moving.
 - e. Vehicles should be parked in a manner that does not obstruct traffic or building access.
 - f. Tobacco usage is not permitted in City vehicles.
 - g. When leaving a vehicle unattended, remove the ignition keys and secure the vehicle.
 - h. All City vehicles should be secured and locked after daily operation. If there is a designated location for storage of vehicles not in use, the vehicle must be returned to that storage location.
 - i. Motorized equipment vehicle keys should be returned to the key cabinet or daily to its proper storage location at the end of use.
 - j. Drivers shall have and maintain a valid driver's license suitable for the operation of the particular vehicles to which they are assigned.
 - k. Fine or penalties for moving, parking, or any other violations are the responsibility of the operator.
 - l. In no event is a City vehicle ever to be utilized to transport alcoholic beverages or controlled substances, except in the case of police officers acting in their official capacity.
 - m. City vehicles may not be utilized to transport weapons, except in the case of police officers acting in their official capacity and/or in the case where the occupant(s) have a "permit to carry" issued by the State of Minnesota or a state with which Minnesota has a "permit to carry" reciprocity agreement.
 - n. All City vehicles, except unmarked public safety vehicles, shall be identified with the standard City seal and/or the name of the department.
 - o. Duty to Report. In the event that any City-owned vehicle becomes inoperable due to mechanical problems, damage or becomes stuck, the operator of that vehicle shall

immediately contact his/her Supervisor and advise of the situation. It is the responsibility of the operator of the vehicle to document and report to the employee's Supervisor any damage to the vehicle that occurs during the hours the vehicle is assigned to that person for use.

In the case of personal injury and/or property damage accident occurring on a public street, the driver shall also immediately report the accident to law enforcement.

- p. It is the responsibility of the operator of the vehicle to document and report to the employee's Supervisor any damage caused by the vehicle assigned to that person to any other vehicle or property.
- q. In Minnesota, the hands-free law requires drivers to not hold their phone while driving, but they may use hands-free options like voice commands, single-touch activation, or dashboard mounts. Recommendations for safe handling of vehicle-based calling from the wireless communication industry include the following:
 - Use voice-activated dialing when driving
 - Use voice commands
 - Use Bluetooth and vehicle systems
 - Do not use a wireless communication device in school zones or if there are hazardous road conditions or traffic conditions
 - Avoid multiple tasks when driving, such as trying to drive, taking notes and using a wireless communication device. Pull over.

Section 22.03 Take-Home Vehicle Policies

1. If any employee is assigned a City take-home vehicle, this assignment shall be made consistent with Minn. Stat. § 471.666 to confer a benefit upon the City. The only "personal use" of the vehicle permitted is to and from the employee's residence and place of work, and personal use that is clearly incidental to normal workday activities. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside the direct route for personal reasons. "Clearly incidental" personal use shall mean use that does not create an impression that the vehicle is being used for personal reasons such as shopping, recreations, transportation of family or friends, etc. If in doubt as to whether a particular use is permitted, employees should seek Supervisory approval.
2. Assigned take-home vehicles may be utilities for *de minimis* personal errands during the workday for transportation clearly incidental to normal workday activities. Employees will make every effort to minimize events of this nature.
3. Unauthorized use of a take-home vehicle may expose the individual to risk that the City's insurance coverage will not cover.

4. Whenever an employee who is assigned a take-home vehicle is on paid time off or any other leave for more than two consecutive days, the vehicle may be reassigned by the City Administrator or parked in the appropriate City lot.
5. The Department Head will monitor a record of take-home mileage on a monthly basis. Employees assigned to vehicles may be required to document reasons for significant month-to-month variances. Other monitoring might entail unannounced visits to sites where vehicles are parked overnight.
6. In the event any of the above guidelines are not observed, an employee using a take-home vehicle for personal purposes shall reimburse the City at the prevailing mileage rate and disciplinary action may be taken.
7. Take-Home Vehicle Tax Liability: The City is required to comply with the IRS's regulations regarding the reporting of income. Since the only authorized non-business use is commuting and *de minimis* personal errands, the City will use the commuting valuation method to report income. This method will use \$3 per day for each day of commuting as the amount of taxable income reported to the IRS so long as the user lives within the City or within 3 miles of the City limits. The income value to a user who lives further than 3 miles from the City limits may be calculated on a per mile basis in lieu of the \$3/day IRS rate. The IRS may amend this amount at any time. Marked and unmarked law enforcement vehicles and fire emergency response vehicles are excluded from this IRS requirement.

Section 22.04 Eligibility

Eligibility for a take-home vehicle will be determined on a case-by-case basis and may be modified for any or no reason. Generally, for an employee to be assigned a take-home vehicle for commuting purposes, the Department Head must find that one or more of the circumstances identified in Minn. Stat. § 471.666 exist. The following factors shall be utilized in making this determination:

- **On Call** – An employee designated to be generally available to respond to off-hours situations. Normally, this individual would be a public safety officer with responsibility for responding to calls outside of that individual's normal work hours, or a director or first level Supervisor for a line work unit with an assigned responsibility to respond to service disruptions or other extraordinary events outside normal work hours.
- **Emergency Availability** – Employee has Supervisory responsibility for a line operation that provides services or maintains facilities on a 24-hour, seven-day schedule. Department operations are characterized by employees who work a six or seven-day week; extended hours; and/or frequent overtime. Employee is called for emergencies, which demand his or her expertise, experience, knowledge, judgment, and command ability.

- **Service Supervision** – Due to the nature of the position, the responsibilities of the position and organization of the Department the individual is required to supervise programs and services at night and on weekend to ensure proper performance.
The key difference between this category and the Normal Work Demand category is the nature of the activity; the amount of the activity; and the fact the activity is demanded by organizational consideration.
- **Normal Work Demand** – Employee normally works a standard workweek and is regularly required to attend work events at places other than the employee’s primary place or assignment outside of normal work hours.

Section 22.05 Severability

If any section, subsection, sentence, clause, phrase, word, or other portion of this policy is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction or by state statute, such portion shall be deemed severable, and the validity of the remaining portions of this policy shall continue in full force and effect.

Article XXIII. CREDIT CARD PURCHASING POLICY

Section 23.01 Purpose

The purpose of this policy is to establish specific guidelines the City will follow related to the use of credit cards for City purchases to protect the City from potential loss or misuse of credit cards.

Section 23.02 Authorized Users

The following City employees who are otherwise authorized to make purchases on behalf of the City are authorized to use a credit card for certain purchases:

- City Department Heads
- Other staff as directed by authorized users listed above for a specific purpose or use.

The finance department shall keep a record of all persons issued a credit card or having authorization to use a City credit card. Authorized persons will receive, sign, and file an acknowledgment form regarding credit card use. On an annual basis, the director of finance will conduct a physical inventory of credit cards.

Section 23.03 Authorized Transactions

Credit cards may only be used to purchase goods and services for the express use by the City. All purchases by a credit card must comply with all statutes, rules, and policies applicable to City purchases. Credit card use should be limited to the following purchases:

- Expenses related to training seminars and conferences
- Purchases with vendors who do not provide vendor billing
- Items purchased over the internet.

Section 23.04 Unauthorized Transactions

Use of the credit card for personal use is strictly prohibited. The card users will be held personally liable for purchases not authorized and approved by the City Council.

Section 23.05 Documentation

Itemized invoices or itemized receipts are needed to support items charged on a credit card since credit card statements lack sufficient detail to comply with Minn. Stat. § 412.271, Subd. 2 and 471.38 Subd. 1. For purchases in which a receipt is not normally available, a copy of the completed application or order form should be used as a receipt. Invoices and/or supporting documents will be submitted to the finance department to be reconciled with the credit card statement and attached to the claim for payment processing.

If the cardholder is missing documentation of the transaction, the cardholder must contact the vendor for a duplicate receipt. Lost receipts where no duplicate receipt is available will be reimbursed to the City by the authorized user.

Section 23.06 Responsibilities

Card users are responsible for the following:

- Sign Credit Card User Agreement regarding terms of this credit card policy.
- Ensure the credit card is kept safe, secure, and used only by the cardholder or other authorized users.
- Ensure the credit card is not used to make personal purchases.
- Ensure the credit card is only used for appropriate City purchases.
- Ensure that extreme caution is used with credit card transactions over the telephone or internet.
- Ensure that receipts/invoices are account coded, approved by Department Head and submitted to the finance department in a timely manner.
- Ensure that problems with billings are resolved with the vendors.
- Notify the credit card company and the director of finance if your credit card is lost or stolen.
- Return the credit card to the director of finance prior to leaving employment with the City.

Section 23.07 Lost or Stolen Card

Keep the credit card in a secure location. It should be accessible only to the cardholder. If the credit card is lost or stolen, notify the director of finance immediately. If the loss is discovered after hours, weekends, holidays, or if the director of finance is unavailable, notify the credit card company immediately.

Section 23.08 Loss of Privileges

Failure to comply with the provisions of this credit card policy may result in revocation of credit card privileges, in addition to potential disciplinary action, including termination of employment. The following are some examples of violations:

- Unauthorized purchases
- Personal purchases
- Loaning the credit card to an unauthorized user
- Failure to provide receipts for charges in a timely manner.

Article XXIV. COMPUTER NETWORK POLICY

Section 24.01 Purpose

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

Section 24.02 Definitions

The following definitions apply to this policy:

Computer system refers to the entire City 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, 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 City computer network.

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

Section 24.03 Introduction

This document describes the City's policies with regard to 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 by City employees with the use of the City's computer system.

The City intends to honor these policies but reserves the right to change them at any time with such prior notices, if any, as the City may deem reasonable under the circumstances.

All users that access the City's computer systems are responsible for reading and adhering to these policies. It is the responsibility of Department Heads to ensure that all users have received this document and signed a statement indicating that they have read it.

Failure to comply with these policies, including failure to report known violations of the policies, will be cause for disciplinary action in accordance with the City's disciplinary policies.

Section 24.04 General

Use

The computer systems addressed in this policy are the property of the City and may only be used for legitimate

business purposes. Users are allowed access to these computer resources to assist them in the performance of their jobs. The system is not to be used for employee personal gain or to support or advocate for non-City related business or purposes. All users have the responsibility to use the system professionally, ethically and lawfully. Use of the computer system is a privilege that may be revoked at any time.

Privacy

All data and other electronic messages within the computer system are the property of the City. Users should not have an expectation of privacy in anything they view, create, store, send, or receive using the City 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 or through the Internet or any other computer network.

The City, at its discretion, reserves the right to monitor, and may monitor or review anything that users view, create, store, send, or receive on the computer system or through the Internet or any other computer network. Users may not store their personal files on their local hard drive or on the network servers.

Workstation Configuration

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

The System Administrator must authorize all hardware and software changes or upgrades. Personal software and hardware may not be installed on individual workstations or the computer network unless specifically authorized by the System Administrator. This includes the introduction of outside screen savers. The screen savers used shall be limited to those supplied with the Windows operating system.

Storage of Data

Employees are responsible for backing up any data files stored on the hard drive of their individual workstations.

To conserve computer resources, nonessential e-mail should be deleted.

Work Product Ownership

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

Section 24.05 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 City 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 City's disciplinary policies.

The City complies with all software copyrights and terms of all software licenses. City employees may not duplicate licensed software or related documentation. Any such duplication may subject employees and/or the City to both civil and criminal penalties under the United States Copyright Act.

Software owned by the City may not be copied to external systems unless the license agreement allows such use and the System Administrator has approved the installation.

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

The IT Department shall conduct random, unannounced audits of installed software to verify that licenses are held for each copy of software in use. Unlicensed software will be removed when discovered and appropriate disciplinary action taken.

Section 24.06 Security

Users shall be responsible for the physical security of their programs and data files not stored on the network as well as access security of their computer and applications. Username and passwords will be removed after each log off from the login screen.

If there is no activity on a computer for 30 minutes, the computer will automatically lock the desktop and the user will need to log back in again for network access.

Passwords

The City requires secure passwords consisting of a minimum of sixteen characters in length. The IT Department will enforce password complexity. The network will force a password change every 365 days for every user on the system. Users are responsible for safeguarding their passwords for access to the computer system. Individual passwords should not be printed or stored online. 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 create or receive on the computer system. City 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 System Administrator.

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 or files on the computer system or attempt to circumvent or otherwise tamper with the City's computer security measures.

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

Each user is responsible for ensuring that his or her use of outside computer systems and networks, such as the Internet, does not compromise the security of the City's computer network.

This responsibility includes taking reasonable precautions to prevent outsiders from accessing the City network without authorization and to prevent the introduction and spread of viruses.

To maintain computer system security, users that will be away from their work site should physically secure their computers by locking office doors, wherever possible.

Virus Detection

Viruses can cause considerable damage to computer systems. Many of the sites on the Internet can be breeding grounds for computer viruses.

If these viruses are downloaded to the City Network and are not detected, they may contaminate the City information systems and databases. All material downloaded from the Internet shall be downloaded to the user's local hard drive (C). All files transferred from floppy disk or other media and anything downloaded from the Internet or computer systems outside of the City Network must be scanned for viruses before being loaded onto the City computer system. The virus-scanning program on your computers can do this for you. Items that must be scanned include disks or thumb drives brought from home, files downloaded from the Internet, e-mail attachments, files from vendors, etc. If a virus is detected, contact the System Administrator immediately.

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

Section 24.07 Internet Use

Access

The City's Internet access is a privilege, granted to employees to enhance their abilities and knowledge, increase their productivity and provide opportunities for personal and professional growth. Please remember, when you are conducting business on the Internet, you are representing the City of Grand Rapids. All communications shall be conducted in a courteous and ethical manner.

Internet access is limited to those employees who demonstrate a legitimate business need.

No employee shall use the Internet until they have read and signed an acknowledgement to this policy. The signed copy shall be maintained in the user's personnel file.

Network Connections for Contractors or Vendors

Network connection requests for Internet access for contractors or vendors (e.g., State Auditors, Software Vendors) must be made at least 2 weeks in advance of their arrival and need to allow the necessary time for staff to make these connections. Requests must be submitted to the System Administrator with the appropriate Department Head approval.

Downloads & Software Upgrades

All software, 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 IT Department and then distributed to individual users.

No downloads may be performed without prior authorization from the System Administrator.

Monitoring

Without prior notice, the City has the right, but not the duty, to monitor all activity on its computer system. This includes, but is not limited to, monitoring Internet sites or other areas visited by users, reviewing any information downloaded or uploaded by users, and reviewing e-mail sent and received by users.

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

Blocking Inappropriate Sites

The City 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 City computer system.

A wide variety of information is available on the Internet. Some individuals may find some information on the Internet offensive or otherwise objectionable. Individual users should be aware that the City has no control over and can, therefore, not be responsible for the content of information available on the Internet.

Section 24.08 E-Mail

Management's right to access e-mails

The e-mail system has been installed by the City to facilitate business communications. Every employee will receive an email account to conduct business; all business emails to/from the City employees must use the City email account. All e-mail messages are City records. Although each employee has an individual password to access this system, it belongs to the City, and the contents of all e-mail communications are accessible at all times by the City, for any purpose. The City reserves the right to access and disclose, as necessary, all messages sent over its e-mail system, without regard to content.

Backup copies of e-mail may be maintained and referenced for business and/or legal reasons. In addition, the email system may be subject to periodic, unannounced inspections. Therefore, you

should not assume that e-mail messages are confidential. Employees do not have a privacy right in the messages sent or received through the e-mail system.

Personal use of the City e-mail account

Incidental and occasional personal use of your City e-mail account is permitted by the City but should be limited and should not interfere with an employee's work responsibilities.

An employee's City e-mail account may not be used to establish any other accounts (e.g., online shopping accounts, gaming accounts, purchasing apps, etc...) Please remember that your e-mail address identifies you as part of the City community. As such, you represent the City when you send information via e-mail. Sending or forwarding e-mails that in any way discredits the City will result in disciplinary action up to and including termination. In addition, a decline in performance due to excessive, personal use of any e-mail, or internet usage, will not be tolerated.

Because all City email account messages can be accessed by the City without prior notice, you should not use e-mail to transmit any messages you would not want read by a third party. For example, you should not use the City e-mail system for gossip, including personal information about yourself or others, for forwarding messages under circumstances likely to embarrass the sender, for emotional responses to business correspondence or work situations, and so on. In addition, employees may not use the City's e-mail system to send or receive materials or information that may be insulting, disruptive, offensive to other persons or harmful to morale.

Personal use of the Internet at work

Incidental and occasional personal use of the internet while at work should be limited and should not interfere with an employee's work responsibilities. The City may restrict access via the City computers and devices to certain sites, information, and e-mail addresses on the internet. Employees are not to circumvent these restrictions or otherwise attempt to obtain access to other inappropriate sites, even if not blocked by the City. In addition, employees should not use the City computers or devices for such purposes as soliciting or proselytizing for commercial ventures, personal causes, or other similar, non-job-related solicitations. Employees of the City may not use the internet via the City computers or devices to access or disseminate information that may be insulting, disruptive, or offensive to other persons or harmful to morale. At no time should an employee access pornography of any sort via any City owned device or during work hours.

Use

The City e-mail system may only be used for City-related business. Only the Outlook e-mail accounts set up for each user by the City may be used. Outlook Web Access is available to every employee for access to their email accounts from off-site locations. "Hotmail, "Yahoo" and similar types of personal e-mail systems may not be accessed through the City computer network.

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 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.

Prohibited Activities

Material that is fraudulent, harassing, embarrassing, sexually explicit, discriminatory, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate 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 forward e-mail to anyone else without the express permission of the sender.

Users may not send unsolicited e-mail (spam) to someone with whom they do not have an existing relationship.

Users may not send anonymous e-mail messages.

Use of the computer system to initiate or forward chain e-mail messages is prohibited.

Compliance with Applicable Laws

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

Article XXV ARTIFICIAL INTELLIGENCE USE

This policy is Aligned with NIST AI 100-1: AI Risk Management Framework

Section 25.01 Purpose

The City of Grand Rapids, Minnesota uses Artificial Intelligence (AI) to improve efficiency and service delivery while protecting privacy, security, accuracy, and public trust. This policy establishes clear expectations for responsible AI use and ensures human oversight and legal compliance.

Section 25.02 Scope

This policy applies to all City employees and contractors who access, develop, procure, or use **any type of AI** for City business, including generative AI, machine learning, predictive analytics, natural language processing, computer vision, and decision-support systems.

Section 25.03 What Is AI?

AI refers to technologies that perform tasks normally requiring human intelligence, such as generating content, analyzing data, recognizing patterns, or supporting decisions.

Section 25.04 Guiding Principles

- **Safety & Security:** Protect City systems and data; minimize harm.
- **Accuracy & Reliability:** AI outputs must be reviewed and verified by humans.
- **Transparency & Accountability:** Use of AI should be disclosed when appropriate; responsibility remains with the user.
- **Human Oversight:** AI may assist but must not replace professional judgment.

Section 25.05 User Responsibilities

Employees and contractors must:

- Follow this policy and any tool-specific guidance
- Review and validate AI-assisted outputs before use
- Use only approved AI tools
- Protect confidential, private, and sensitive information

Section 25.06 Legal and Policy Compliance

All AI use must comply with applicable laws and City policies, including:

- Minnesota Government Data Practices Act (MGDPA)
- Minnesota public records and open meeting laws
- Privacy, data protection, and breach notification laws
- City information security, acceptable use, and procurement policies

Section 25.07 Data Protection

AI tools must **not** be used to input, process, or generate:

- Personally identifiable or sensitive resident data
- Non-public City records or internal strategy documents
- Confidential legal, financial, or personnel information
- Information protected by law, contract, or non-disclosure agreement

Section 25.08 Permissible Uses

Approved AI tools may be used for:

- Drafting, summarizing, and editing documents
- Translation and accessibility support
- Data analysis and trend identification
- Brainstorming and decision support **with human review**

Section 25.09 Prohibited Uses

AI must not be used for:

- Automated decisions affecting resident rights or benefits
- Providing legal, medical, or regulatory advice
- Handling confidential or sensitive data without authorization
- Creating or spreading false or misleading information

Article XXVI CELLULAR PHONE USE

This policy is intended to define acceptable and unacceptable uses of City issued cellular telephones. Its application is to ensure cellular phone usage is consistent with the best interests of the City without unnecessary restriction of employees in the conduct of their duties.

This policy will be implemented to prevent the improper use or abuse of cellular phones and to ensure City employees exercise the highest standards of propriety in their use.

Section 26.01 General Policy

Cellular telephones are intended for the use of City employees in the conduct of their work for the City.

Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use. Nothing in this policy will limit Supervisor discretion to allow reasonable and prudent personal use of such telephones or equipment provided:

- Its use in no way limits the conduct of work of the employee or other employees.
- No personal profit is gained, or outside employment is served.
- All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times. Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances and in accordance with Minnesota law, employees are required to use hands-free operations or pull off into a parking lot and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times.

Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area. Hands-free equipment will be provided with City-issued phones to facilitate the provisions of this policy.

- Reading/sending text messages, making or receiving phone calls, emailing, video calling, scrolling/typing, accessing a webpage, or using non-navigation applications while driving is strictly prohibited.
 - In accordance with state law, there is an exception to hands free cell phone operations to obtain emergency assistance to report a traffic accident, medical emergency or serious traffic hazard or prevent a crime from being committed. There is also a state law exception for authorized emergency vehicles while in the performance of official duties.
- Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. See above “City Driving Policy” for more information on reporting driver’s license restrictions”.

Therefore, the best practice is to limit usage of personal cell phones for City business to that which is truly necessary or be prepared to produce your cell phone and the associated records if needed.

An employee will not be reimbursed for business-related calls without prior authorization from their Supervisor. Supervisors may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

Use of public resources by City employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action which may include termination and/or criminal prosecution, depending on the circumstances. Incidental and occasional personal use may be permitted with the consent of the Supervisor.

Personal calls will be made or received only when absolutely necessary. Such calls must not interfere with working operations and are to be completed as quickly as possible.

In cases where the City does not regard accounting for personal calls to be unreasonable or administratively impractical due to the minimal cost involved, personal calls made by employees on a City-provided cellular phone must be paid for by the employee through reimbursement to the City based on actual cost listed on the City’s phone bill.

Section 26.02 Procedures

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

Section 26.03 Responsibility

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

Article XXVII. DRUG, ALCOHOL AND CANNABIS TESTING AND DRUG-FREE WORKPLACE ACT POLICY FOR NON-COMMERCIAL DRIVERS (NON-DOT)

Section 27.01 Purpose and Objectives

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

City employees and applicants required to hold a commercial driver's license by the United States Department of Transportation ("DOT") for their job will be tested under the city's Policy on Controlled Substance and Alcohol Testing for Commercial Drivers (the "DOT Policy"). All other employees and job applicants offered employment with the city must undergo testing as described by this policy.

To ensure the policy is clearly communicated to all employees and applicants to whom offers of employment have been made, and to comply with state law, employees and applicants are required to review this policy and sign the "policy acknowledgement."

A job applicant will also acknowledge in this form that he/she understands that passing the drug test is a requirement of the job.

Section 27.02 Persons Subject to Testing and Circumstances Under Which Testing May Be Required

Under this policy, the City may test any applicant to whom an offer of employment has been made and may test employees for alcohol and/or drugs, including cannabis, under the following circumstances with a properly accredited or licensed testing laboratory or oral fluid test, in accordance with Minn. Stat. § 181.953, subds. 1,5a.

(1) Pre-Employment Testing

Every job applicant offered employment with the city receives the offer conditioned upon successful completion of drug test, and/or an alcohol or cannabis test, if applicable, among other conditions. The city will not request or require a job applicant to undergo cannabis testing related to “lawful consumable products” pursuant to Minn. Stat. § 181.938, including alcohol, cannabis, lower-potency hemp edibles, and hemp-derived consumer products, except with respect to the categories of positions listed below in the definition of “Drug” or if otherwise required by state or federal law. If the job offer is withdrawn based drug test results, the city will inform the applicant of the reasons for the withdrawal. A failure of the drug or other applicable test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment even if the applicant’s provisional employment has begun. A negative or positive dilute test result (following a second collection), which has been confirmed, will also result in immediate withdrawal of an offer of employment to an applicant.

Temporary and seasonal employees are not subject to this policy except for those designated by the hiring department as safety-sensitive positions.

(2) Reasonable Suspicion Testing

Consistent with Minn. Stat. § 181.951, subd. 5, employees will be subject to alcohol and/or drug testing, including cannabis testing, when reasonable suspicion exists to believe that the employee:

- Is under the influence of alcohol, drugs or cannabis; or
- Has violated written work rules prohibiting the use, possession, sale or transfer of drugs, alcohol, or cannabis, while working, while on city property, or while operating city vehicles, machinery or any other type of equipment; or
- Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury or;
- Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol, drugs or cannabis or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the city’s policies concerning alcohol, drugs or cannabis may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record Form.

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

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all city employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify [Human Resources/the City Administrator] of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the city will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

(3) Treatment Program Testing

In accordance with Minn. Stat. § 181.951, subd. 6, the city may request or require an employee to undergo drug, alcohol or cannabis testing, if the employee has been referred by the city for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan. In such a case, the employee may be requested or required to undergo drug or alcohol testing, including cannabis testing, without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

(4) Routine Physical Examination Testing

The City may request or require an employee to undergo drug and/or alcohol testing—but not cannabis testing, except for the categories of positions listed above for which cannabis is considered a drug or unless otherwise required by state or federal law—as part of a routine physical examination. The city, in accordance with Minn. Stat. § 181.951, subd. 3, will request or require this type of testing no more than once annually, and the employee will be provided with at least two weeks' written notice that the test will be required as part of the physical examination.

(5) Random Testing

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

Section 27.03 Right of Refusal

Employees and job applicants have the right to refuse to submit to an alcohol, drug, or cannabis test under this policy. However, such a refusal will subject an employee to immediate termination.

If an applicant refuses to submit to applicant testing, any conditional offer of employment will be withdrawn.

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

An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug alcohol or cannabis test. In such a case, the employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.

Refusal on Religious Grounds

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

Section 27.04 Cost of Required Testing

The City will pay for the cost of all drug, alcohol or cannabis testing requested or required of all job applicants and employees, except for confirmatory retests. Likewise, if the employee or job applicant's initial test was an oral fluid test that indicates a positive result or that is inconclusive or invalid and the employee or job applicant requests testing using the services of a testing laboratory as described below, and the city will cover the cost of the laboratory test. Job applicants and employees are responsible for paying for all costs associated with any requested confirmatory retests after their first laboratory test.

Section 27.05 Prohibition against Drugs and Alcohol

Use and Possession of Alcohol or Drug(s)

Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, including cannabis, or drug paraphernalia, while on duty; while on city premises; while operating any city vehicle, machinery, or equipment; or when performing any city business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter drugs used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils, edibles or beverages containing

cannabinoids, or pills) on the worksite by a person working as an employee at the city or while “on call” and subject to return to work.

Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. Likewise, the fact that cannabis may be lawfully purchased and consumed does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites. Applicants and employees are still subject to being tested under our drug, alcohol and cannabis testing policy.

Employees are subject to being disciplined, suspended, or terminated after testing positive for cannabis if the employee used, possessed, or was impaired by cannabis, including medical cannabis, while on the premises of the place of employment or during the hours of employment.

While Impaired by Alcohol, Drugs or Cannabis

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

Driving While Impaired

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

Criminal Drug Convictions

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

In accordance with the Federal Drug-Free Workplace Act of 1988, if the city is receiving federal grants or contracts of over \$25,000, the city will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Failure to Disclose Lawful Drugs

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

Section 27.06 Review and Notification of Test Results

Notification of Negative Test Results

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

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

Notification of Positive Test Results

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

An employee or job applicant will be notified of the results of an oral fluid test at the time of the test in accordance with Minn. Stat. § 181.953, subd. 5(b).

Right to Provide Information after Receiving Test Results

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

Right to Confirmatory Retest

A Job applicant or employee may, within 48 hours of an oral fluid test that indicates a positive test result or that is inconclusive or invalid, request drug or alcohol or cannabis testing at no cost to the employee or job applicant using the services of a testing laboratory. If the laboratory test indicates a positive result, any subsequent confirmatory retest, if requested by the employee or job applicant, must be conducted following the laboratory retest procedures described below.

A job applicant or employee who was required to undergo drug or alcohol or cannabis testing at a laboratory, or who timely requests laboratory testing following an oral fluid test, may request a confirmatory retest of the original sample at the job applicant's or employee's own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the job applicant or employee must notify the city in writing of the job applicant's or employee's intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the city will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another qualified laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all samples testing positive for a period of six months. The confirmatory retest will use the same drug and/or alcohol threshold detection levels as used in the original confirmatory test.

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

Section 27.07 Access to Reports

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

Section 27.08 Dilute Specimens

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

Section 27.09 Consequences for Employees Engaging in Prohibited Conduct

Job Applicants

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

Employees

- **No Adverse Action without Confirmatory Test.** The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- **Suspension Pending Test Result.** The City may temporarily suspend a tested employee with or without pay or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the city believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public.
- The employee will be asked to return home and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.

Section 27.10 Discipline and Discharge

Confirmatory Positive Test Result

The City will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:

- The City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the city after consultation with a certified chemical use counselor or

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

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

Section 27.11 Other Misconduct

Nothing in this policy limits the right of the City to discipline or dismiss an employee on grounds other than a positive confirmatory test result, including conviction of any criminal drug statute for a violation occurring in the workplace or violation of other city personnel policies.

Section 27.12 Emergency Call Back to Work Provisions

If an employee is called out for a City emergency and he or she reports to work and is suspected of being under the influence of drugs, alcohol, or cannabis he or she will not be subject to the testing procedures of this policy but will not be allowed to work. Appropriate arrangements for return transportation to the employee's residence will be made. It is the sole responsibility of the employee who is under the influence of alcohol, drugs or cannabis and who is called out for a City emergency, to notify his or her supervisor of this information and advise if he or she is unable to respond to the emergency call back.

Section 27.13 Non-Discrimination

The policy of the City of Grand Rapids on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat., § Chapter 363A, disability does not include conditions resulting from alcohol or other drug or cannabis abuse which prevents an employee from performing the essential functions of the job in question or constitutes a direct threat to property of the safety of individuals.

Furthermore, the City will not retaliate against any employee for asserting his or her rights under this policy.

Section 27.14 City's Employee Assistance Program

The City has in place a formal employee assistance program (EAP) to assist employees in addressing serious personal or work-related problems at any time. The City's EAP provides confidential, cost-free, short-term counseling to employees and their families. Employees who

may have an alcohol, cannabis, or other drug abuse problem are encouraged to seek assistance before a problem affects their employment status.

Section 27.15 Policy Contact for Additional Information

If you have any questions about this policy or the City's drug, alcohol and cannabis testing procedures, you may contact your immediate supervisor, Human Resources, or City Administrator to obtain additional information.

By this policy, the City of Grand Rapids has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and its policy of maintaining a drug-free workplace. Each City employee will receive a copy of this policy and will be required to read it.

Section 27.16 Definitions

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

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

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

Cannabis. Means cannabis and its metabolites, including cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

Cannabis testing. Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of cannabis in the sample tested.

City. Means the City of Grand Rapids.

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

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

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

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

Drug. Includes any “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4, and also includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4. Cannabis and its metabolites are considered a “drug” for positions in the following categories, regardless of the kind of testing involved: safety sensitive positions; peace officer positions; firefighter positions; positions requiring face-to-face care, training, education, supervision, counseling or medical assistance to children, vulnerable adults or patients receiving treatment, examination or emergency care for a medical, psychiatric or mental condition; positions requiring a commercial driver's license or requiring the employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing; positions funded by a federal grant; or other positions for which state or federal law requires testing of a job applicant or employee.

Drug and/or alcohol testing, and drug and/or alcohol test. Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of drugs, alcohol, or their metabolites in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

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

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

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

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

Oral fluid test. Means analysis of a saliva sample for the purpose of measuring the presence of the same substances as drug and alcohol testing and cannabis testing that can detect drugs, alcohol, cannabis, or their metabolites in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. § 181.953, subd. 1 (i.e., for drugs and cannabis: the National Institute on Drug Abuse, the College of American Pathologists, and the New York Department of Health; or for alcohol: the College of American

Pathologists and the New York Department of Health) and does not require the services of a testing laboratory.

Positive test result. Means a finding of the presence of alcohol, drugs, cannabis or their metabolites that exceeds the cutoff levels established by the city. Minimum threshold detection levels are subject to change as determined in the city's sole discretion.

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

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

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

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

Article XXVIII DOT DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS

Section 28.01 Purpose and Objectives

The City of Grand Rapids ("City") has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City is concerned about providing a safe workplace for its employees, and while the City does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The use, possession, manufacture, sale, transportation, or other distribution of controlled substance or controlled substance paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation ("DOT"), the City has adopted this Policy on Alcohol and Controlled Substances for employees who hold a commercial driver's license (CDL) to perform their duties.

Given the significant dangers of alcohol and controlled substance use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment. Moreover, federal law requires the City to implement such a policy.

To ensure this policy is clearly communicated to all drivers and applicants, and in order to comply with applicable federal law, drivers and applicants are required to review this policy and sign the “Certificate of Receipt” portion.

Because changes in applicable law and the City’s practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the City will follow any particular course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act and Federal Motor Carrier Safety Administration (FMCSA) regulations will take precedent over this policy to the extent the policy has not incorporated those revisions.

Section 28.02 Persons Subject to Testing & Types of Tests

All employees are subject to testing who job duties include performing “safety-sensitive duties” on City vehicles that:

- Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
- Have a gross vehicle weight rating or gross vehicle weight of 26,0001 or more pounds whichever is greater; or
- Are designed to transport 16 or more passengers, including the driver; or
- Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

The following functions are considered safety-sensitive:

- all time waiting to be dispatched to drive a commercial motor vehicle
- all time inspecting, servicing, or conditioning a commercial motor vehicle
- all time driving at the controls of the commercial motor vehicle
- all other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth)

- all time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- all time repairing, obtaining assistance, or attending to a disabled commercial motor vehicle.

The City may test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance and alcohol under any of the following circumstances:

Section 28.03 Pre-Employment Testing

All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the City. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer (“MRO”) indicating a verified negative test result. In addition to pre-employment controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

The City will contact the candidate’s DOT regulated previous and current employers within the last three years for drug and alcohol test results as referenced above and review the testing history if feasible before the employee first performs safety-sensitive functions for the city. Beginning in 2020, an applicant must provide consent to the city, and successfully pass a full query of the Federal Motor Carrier Safety Administration’s Clearinghouse. In addition, at least once a year, the City will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

Section 28.04 Post-Accident Testing

As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the City will test each surviving driver for controlled substances and alcohol when the following occurs:

- The accident involves a fatality or
- The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene or
- The driver receives a citation for a moving traffic violation from the accident and a vehicle is required to be towed from the accident scene.

The following chart summarizes when DOT post-accident testing needs to be conducted:

Type of accident involved	Citation issued to the DOT covered CDL driver?	Test must be performed by the City
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

Section 28.05 Post – Accident Controlled Substance Testing

Drivers are required to submit a urine sample for post-accident controlled substance testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.

Section 28.06 Post- Accident Alcohol Testing

Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the City will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

The City may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of controlled substances if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the City.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the City and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

Section 28.07 Random Testing

Every driver will be subject to unannounced alcohol and controlled substance testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected be picked and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave or away from work, that driver may be required to undergo the test when he or she returns to work.

For 2020, federal law requires the City to test at a rate of at least fifty percent (50%) of its average number of drivers for controlled substance each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

Section 28.08 Reasonable Suspicion Testing

When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the City will require the driver to submit to an alcohol and/or controlled substance test.

The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the City who has received appropriate training in identification of actions, appearance and conduct of a driver which are indicative of the use of alcohol or controlled substance. These observations leading to an alcohol or controlled substance test, will be reflected in writing and signed by the supervisor who made the observations. The record will be retained by the City. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not administered and will cease attempts to conduct the alcohol test.

Notwithstanding the absence of a reasonable suspicion test, no driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol use, nor will the City permit the driver to perform or continue to perform safety-sensitive functions until (1) an alcohol test is administered and the driver's alcohol concentration is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

Section 28.09 Return-to-Duty Testing

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the City consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional ("SAP") evaluation and participate in any prescribed

education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance test will be conducted under direct observation.

Section 28.10 Follow-Up Testing

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers.

Should the City reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the City will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. Follow-up testing will not exceed sixty (60) months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

Section 28.11 Cost of Required Testing

The city will pay for the cost of pre-employment, post-accident, random, and reasonable suspicion alcohol and drug testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

Section 28.12 Prohibited Conduct

The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of City policy.

Under the influence of alcohol when reporting for duty or while on duty.

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than 0.04, will be removed from duty for 24 hours, escorted home and placed on paid time off for hours missed from work.

Section 28.13 On-Duty Use of Alcohol

No driver may use alcohol while performing safety-sensitive functions.

Section 28.14 Pre-Duty Use of Alcohol

No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours they are to notify their supervisors before performing any safety-sensitive functions.

Section 28.15 Alcohol Use Following an Accident

No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

Refusal to Submit to a Required Alcohol or Controlled Substance Test.

No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or controlled substance testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to and including termination.

In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, beginning January 6, 2020, the City will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. If an applicant refuses to submit to pre-employment controlled substance testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or controlled substance test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.

- Fails to provide adequate urine for controlled substance testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
- Fails to report for testing within a reasonable period of time, as determined by the City.
- Fails to remain at a testing site until testing is complete.
- In the case of directly observed or monitored collection, fails to permit observation or monitoring.
- Fails or declines to take a second test as required by the City and/or collector.
- Fails to undergo a medical examination as directed by the City pursuant to federal law.
- Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.
- Engages in conduct that clearly obstructs the test process.

Section 28.16 Altering or attempting to alter a urine sample or breath test

A driver altering or attempting to alter a urine sample or controlled substance test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of employment and any job offer made to an applicant will be immediately withdrawn.

Section 28.17 Controlled Substance Use

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic controlled substance use to the City immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the city's workplace. The federal government still classifies cannabis as an illegal drug. *There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the City.* Employees are still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

Section 28.18 Controlled Substance Testing

No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for controlled substance.

Section 28.19 Collection and Testing Procedures

Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a City vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form ("CCF") which drivers providing a sample will sign as well.

Section 28.20 Alcohol Testing

Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, generally speaking, the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device ("EBT") operated by a trained breath alcohol technician ("BAT") at a collection site. An alcohol test usually takes approximately 15 minutes if the result is negative. If a driver's first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a "negative" test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver's inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the City by the collection site staff.

Section 28.21 Controlled Substance Testing

The City will use a "split urine specimen" collection procedure for controlled substance testing. Collection of urine specimens for controlled substance testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver's privacy.

Controlled substance testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing.

Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A,

or “primary,” and B, or “split”) with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient portion of any positive sample for testing and store that portion in a scientifically acceptable manner for a minimum 365-day period.

If an employee fails to provide a sufficient amount of urine to permit a controlled substance test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee’s failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of urine, the City will consider the test to have been canceled. If a licensed physician cannot make such a determination, the City will consider the driver to have engaged in a refusal to test and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the CCF Form for compliance, to the City. If the initial result is positive or non-negative, a “confirmatory retest” will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must contact the City who will direct the driver to contact the MRO.

Section 28.22 Review of Test Results

The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders and is responsible for receiving and reviewing laboratory results of the controlled substances test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO’s supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

The individual may be required to speak and/or meet with the MRO, who will review the individual’s medical history, including any medical records provided.

The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.

If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and

A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the City. There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second “B” container) tested at the driver’s expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee’s failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the City may pay for all costs associated with the rest and there will be no adverse action taken against the employee or job applicant.

Section 28.23 Notification of Test Results

Employees

The City will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substance if the test results are verified positive and will inform the driver which controlled substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.

Right to Confirmatory Retest

Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver's split specimen. Action required by federal regulation as a result of a positive controlled substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.

Dilute Specimens

Dilute Negatives Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL. If the City receives information that a driver has provided a dilute negative specimen, the City will direct a recollection, pursuant to the MRO's direction, under direct observation.

Section 28.24 Consequences for Drivers Engaging in Prohibited Conduct

Job Applicants

Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for controlled substance pursuant to this policy.

Employees

Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substance, as defined earlier in this policy, are subject to the following consequences:

Removal from Safety-Sensitive Functions

No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.

No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the City, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.

If a driver tests positive under this policy or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted

home; the driver should not drive home but be escorted to his or her home. The driver will then be placed on paid time off, for hours missed from work.

Notification of Resources Available

The City will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance test of the resources available to the driver, in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The City will provide this SAP listing in writing at no cost to the driver.

Discipline

The City reserves the right to impose whatever discipline the City deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance or alcohol test result.

Evaluation, and Return to Duty Testing

Should the City wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance testing.

Follow-Up Testing

If the driver passes the return-to-duty test, he/she will be subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.

Refusal to test

All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.

Section 28.25 Responsibility for Cost of Evaluation and Rehabilitation

Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the City or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the City pursuant to a collective bargaining agreement.

Section 28.26 Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse

In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements beginning January 6, 2020, the City will report the following information to the Clearinghouse within three business days:

- A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- A negative DOT return-to-duty test result;
- The driver's refusal to submit to a DOT test for drug or alcohol use;
- Actual knowledge a driver has used alcohol or controlled substances, based on the employer's direct observation, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance abuse except as provided in § 382.121) of:
 - On duty alcohol use pursuant to § 382.205;
 - Pre-duty alcohol use pursuant to § 382.207;
 - Alcohol use following an accident pursuant to § 382.209;
 - Controlled substance use pursuant to § 382.213;

Employers will also report negative return-to-duty (RTD) test results and the successful completion of a driver's follow-up testing plan as ordered by a SAP.

Section 28.27 Loss of CDL License for Traffic Violations in Commercial and Personal Vehicles

Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

Section 28.28 Maintenance and Disclosure of Records

Except as required or authorized by law, the City will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. Beginning in 2020, the city will be required to query and report to the agency's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse prior to hiring new drivers, will conduct annual checks of existing CDL-drivers, and will report certain violations of the DOT drug and alcohol testing program for holders of CDLs. In addition, a driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or a controlled substance, including any records pertaining to his or her alcohol or controlled substance tests.

Section 28.29 Policy Contact for Additional Information

If you have any questions about this policy or the City's controlled substance and alcohol testing procedures, you may contact your immediate supervisor, obtain additional information.

Section 28.30 Definitions

Accident

Means an occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The term "accident" does not include an occurrence involving only boarding and alighting from a stationary motor vehicle; an occurrence involving only the loading or unloading of cargo; or an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823; 49 C.F.R. § 382.303(a); 49 C.F.R. § 382.303(f).

Alcohol Concentration (or Content)

Means the alcohol on a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. 49 C.F.R. § 382.107.

Alcohol Use

Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. 49 C.F.R. § 382.107.

Applicant

Means a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

Breath Alcohol Technician or BAT. Means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

City. Means City of Grand Rapids

City Premises. Means all job sites, facilities, offices, buildings, structures, equipment, vehicles and parking areas, whether owned, leased, used or under the control of the City.

Collection Site. Means a place designated by the City where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or controlled substances. 49 C.F.R. § 40.3.

Commercial Motor Vehicle. Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or (2) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or (3) is designed to transport sixteen (16) or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulation. (49 C.F.R. part 172, subpart F) § 382.107.

Confirmation (or Confirmatory) Test. For alcohol testing means a second test, following a positive non-evidential test, following a positive non-evidential (e.g., saliva) screening test or a breath alcohol screening test with the result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substance testing, "Confirmation (or Confirmatory) Test" means a second analytical procedure to identify the presence of a specific controlled substance or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. 49 C.F.R. § 382.107.

Controlled Substance. Means those substances identified in 49 C.F.R. § 40.85. Marijuana, amphetamines, opioids, (including heroin), phencyclidine (PCP), cocaine, and any of their metabolites are included within this definition. 49 C.F.R. § 382.107; 49 C.F.R. § 40.85.

Department of Transportation or DOT. Means the United States Department of Transportation.

DHHS. Means the Department of Health & Human Services or any designee of the Secretary, Department of Health & Human Services. 49 C.F.R. § 40.3.

Disabling Damage. Means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Disabling damage does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or tail light damage or damage to turn signals, horn or windshield wipers which make them inoperative. 49 C.F.R. § 382.107.

Driver. Means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the City or who operate a commercial motor vehicle at the direction of or with the consent of the City. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

Drug. Has the same meaning as “controlled substance.”

Employee seeking a transfer. Refers to an employee who is not subject to DOT regulations seeking a transfer to a position that will subject them to DOT regulations in the sought after position.

Evidential Breath Testing Device or EBT. Means a device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.” 49 C.F.R. § 40.3.

Federal Motor Carrier Safety Administration or FMCSA. Means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

Medical Review Officer or MRO. Means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a controlled substance testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information. 49 C.F.R. § 40.3

Performing (a Safety-Sensitive Function). Means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. 49 C.F.R. § 382.107.

Positive Test Result. Means a finding of the presence of alcohol or controlled substance, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

Reasonable Suspicion. Means a belief a driver has engaged in conduct prohibited by the FMCSA controlled substance and alcohol testing regulations, except when related solely to the possession of alcohol, based on specific contemporaneous, articulable observations made by a supervisor or City official who has received appropriate training concerning the appearance, behavior, speech or body odors of the driver. The determination of reasonable suspicion will be made in writing on a Reasonable Suspicion Record Form during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. In the case of a controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

Safety-Sensitive Function. Means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- All time at a City plant, terminal, facility, or other property, or on any public property,
- waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by 49 C.F.R. § 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. § 393.76);
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

Screening Test (also known as Initial Test). In alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her or her system. Screening tests may be conducted by utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”). In controlled substance testing, “Screening Test” means an immunoassay screen to eliminate “negative” urine specimens form further consideration. 49 C.F.R. § 382.107.

Substance Abuse Professional” or “SAP.” Means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, licensed or certified social worker, licensed or certified employee assistance professional, or licensed or certified addiction counselor (certified

by the National Association of Alcoholism and Controlled Substance Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders. 49 C.F.R. § 40.281.

Article XXIX. SAFETY

The health and safety of each employee of the City and the prevention of occupational injuries and illnesses are of primary importance to the City.

To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of each Supervisor.

Section 29.01 Reporting Accidents and Illnesses

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

Section 29.02 Safety Equipment/Gear

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

Section 29.03 Unsafe Behavior

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

Section 29.04 Access to Gender-Segregated Activities and Areas

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

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

unless requested by the transgender or gender diverse employee, because it may publicly identify or marginalize the employee as transgender.

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

Section XXX PERSONNEL POLICIES ACKNOWLEDGMENT FORM

Acknowledgment and Receipt

I have received my copy of the City of Grand Rapids Personnel Policies and acknowledge it is my responsibility to have read and understood the policies outlined in the employee handbook.

The employee handbook describes important information about the City of Grand Rapids, and I understand that I should consult my Supervisor, Department Head, or the Human Resources Director regarding any questions not answered in the handbook. I have entered into my employment relationship with the City of Grand Rapids voluntarily and acknowledge that there is no specified length of employment. **I understand that employment of at-will employees may be terminated by the employee or the City of Grand Rapids, with or without cause, at any time, so long as there is not violation of applicable federal or state law. I understand if I am a member of a Union, termination of employment would have to follow the applicable collective bargaining agreement.**

I understand and agree that, other than the City Council of the City of Grand Rapids, no department head, supervisor, or representative of the City of Grand Rapids has any authority to enter into any agreement for employment other than at-will; only the City Council has the authority to make any such agreement and then only in writing signed by the Mayor.

This handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of your employment with the City of Grand Rapids, unless specifically outlined in a collective bargaining agreement which is applicable solely to members of the specific bargaining group. By distributing this handbook, the City of Grand Rapids expressly revokes any and all previous policies and procedures which are inconsistent with those contained herein.

I understand that any and all policies and practices may be changed at any time by the City of Grand Rapids. The City reserves the right to change my hours, wages and working conditions at any time, unless specifically outlined by a collective bargaining agreement. All such changes to policies and practices will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Council has the ability to adopt any revisions to the policies in this handbook.

I understand and agree if I am an at-will employee, that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment and that my employment at the City of Grand Rapids is employment at-will, which may be terminated at the will of either the City of Grand Rapids or myself. I understand if I am a member of a Union that my collective bargaining agreement supersedes any personnel policies listed here where

there is a conflict, however I am still required to follow all other personnel policies. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document.

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Employee's Signature

Employee's Name (Print)

Date

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE