



MARSHALL

## **Personnel Policy Manual**

ADOPTED: 08/25/2009

UPDATED: 10/13/2020

DRAFT 10/12/2021



# MARSHALL

Welcome!

On behalf of your colleagues, we welcome you to the City of Marshall and wish you every success here.

We believe that each employee contributes directly to the City's growth and success, and we hope you take pride in being a member of our team.

This manual was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of this Personnel Policy Manual as soon as possible, for it will answer many questions about employment with the City.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

## EMPLOYEE ACKNOWLEDGMENT FORM

I understand that this employee policy manual describes important information about the City of Marshall and that I should consult my supervisor regarding any questions not answered in the manual.

Since provisions of the policy manual are subject to change, I further understand that revisions to the policy manual may supersede or eliminate one or more existing policies.

My employment relationship with the City of Marshall is voluntarily entered into and is subject, within provisions of state and federal law, to termination by me or my employer at will, at any time either party believes such action to be appropriate.

I acknowledge that this policy manual is not a contract of employment. I have received and will comply with both the policies contained in this manual and any subsequent revisions.

I acknowledge that if I do not understand a policy or standard's meaning or the City's intent, I am responsible to contact a supervisor for clarification.

I acknowledge the receipt of this Personnel Policy Manual from the City of Marshall.

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Employee's Signature

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Employee Name (typed or printed)

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Date

[AN ORIGINAL OF THIS ACKNOWLEDGEMENT FORM  
WILL BE RETAINED IN THE EMPLOYEE PERSONNEL FILE]

**CITY OF MARSHALL  
PERSONNEL POLICY MANUAL**

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# Chapter 1: INTRODUCTION

## 1.1 PURPOSE

It is the policy of the City Council that there should be open and complete communication between all levels of city government. The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Marshall (hereinafter referred to as "the City.") They should not be construed as contract terms for any City employees. 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 this Personnel Policy Manual, 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.

## 1.2 EMPLOYMENT AT WILL

Except as otherwise prohibited by law or agreed to as part of a labor agreement with the City, the City 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.

## 1.3 ORGANIZATION

The Council Personnel Committee will meet as necessary to review the provisions of this policy, to meet with any employee or groups of employees or department heads, to discuss any concern or to receive any suggestions that any employee of the City may have related to administrative, supervisory, budgetary, personnel, operations or policy.

The Employee Advisory Committee (defined in Chapter 2: Definitions) will meet as necessary to review the provisions of this policy, to meet with any employee or groups of employees or department heads, to discuss any concern or to receive any suggestions that any employee of the City may have related to administrative, supervisory, budgetary, personnel, operations or policy.

## 1.4 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 in the provision of services for the City
5. Volunteers
6. Marshall Municipal Utilities Commission and Employees
7. Avera Marshall Regional Medical Center Board and Employees
8. Marshall-Lyon County Library Board and Employees
9. Marshall Public Housing Authority and Employees

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

Departments may have special work rules deemed necessary by the supervisor and approved by the City Administrator for the achievement of objectives of that department. Upon hire, each employee will be given a copy of such work rules by the department and such rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

## 1.5 SEVERABILITY

Each provision of the Personnel Policy is deemed severable from every other provision. If any provision of the personnel resolution shall be found for any reason to be invalid, such invalidity shall not affect the

remaining provisions thereof, unless the court also finds such remaining provisions, standing alone, incomplete and incapable of being performed in accordance with the City Council's intent.



## 1.6 EQUAL EMPLOYMENT OPPORTUNITY

The City provides equal opportunity to all employees and applicants for employment in accordance with applicable state and federal laws, directives, and regulations. The City 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.

Discrimination on the basis of race, color, creed, religion, national origin, ancestry, gendersex, sexual orientation, gender identity or gender expression, veteran status (as per Minnesota Statute), pregnancy, disability, age, marital status, familial status, genetic information, status with regard to public assistance, or membership on a local human rights commission, or lawful participation in the Minnesota Medical Cannabis Patient Registry, or any other class protected by state or federal law is prohibited in all personnel policies, programs, and employment practices.

Failure of any City employee to act in a manner consistent with this policy may result in disciplinary action, up to and including termination, against that employee.

## 1.7 REASONABLE ACCOMMODATION

The City is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the City to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act ADA, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities. The City also provides reasonable accommodation in connection with the provision of City services, programs, and activities.

## 1.8 REASONABLE ACCOMMODATIONS FOR HEALTH CONDITIONS RELATING TO PREGNANCY

Reasonable accommodation(s) requested by an employee for health conditions relating to pregnancy or childbirth, with supporting documentation from a licensed health care provider or certified doula, will be granted in accordance with Minnesota law (Section-Statute 181.9414), unless such accommodation would impose an undue hardship on the City.

A pregnant employee may request the following Reasonable accommodation(s) for health conditions relating to pregnancy without providing supporting documentation from a licensed health care provider or certified doula: may include 1) more frequent restroom, food, and water breaks; 2) seating; and 3) limits to heavy lifting over 20 pounds. ,seating, Reasonable accommodation may include but are not limited to: or temporary transfer to a less strenuous or hazardous position, seating, frequent restroom breaks, and limits to heavy lifting. -The City will engage in an interactive process with respect to an employee's request for a reasonable accommodation.

In accordance with State law, an employee is not required to take a leave of absence for a pregnancy nor accept a pregnancy accommodation.

## 1.9 REASONABLE BREAK TIME FOR NURSING MOTHERS

A nursing mother will be provided reasonable, unpaid break times to express milk for her infant child during the 12 months following the birth of the child. The break times must, if possible, run concurrently with any break times already provided to the employee. The City will provide in a private room/location (other than a bathroom) that is in close proximity to her work area, shielded from view, free from intrusion, and includes access to an electrical outlet, where the nursing mother can express milk in private. Meal breaks (e.g., 30-minute unpaid lunches) may not be converted to paid time under this policy. This policy will be administered in accordance with Minnesota law (Section-Statute 181.939).

### **1.810 DATA PRACTICES ADVISORY**

Employee records are maintained in a location designated by the City Administrator. Personnel data is maintained in personnel files, payroll 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.

### **1.911 EMPLOYEE ACCESS TO PERSONNEL FILES**

The City maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. Upon written request by an employee, the City will provide the employee with an opportunity to review his/her personnel record in accordance with MN law.

### **1.4012 NEWS RELEASES**

Formal news releases concerning municipal affairs are the responsibility of the City Administrator, Division Director, or his/her designee. All media interviews must be approved by the City Administrator or Division Director before the interview. All contacts with the media should be reported to the City Administrator or Division Director as soon as practicable.

No City employee is authorized to speak on behalf of the City without prior authorization from the City Administrator, Division Director, or his/her designee. All news releases concerning City personnel will be the responsibility of the City Administrator.

### **1.413 EMPLOYEE SUGGESTIONS**

All employees are encouraged to present suggestions in order to improve methods for operation, encourage safety measures to prevent accidents, and secure better working conditions in general. Employees with suggestions are encouraged to transmit them to the appropriate Division Director or supervisor for further consideration and possible implementation.

## *Chapter 2: DEFINITIONS*

For the purposes of the policies in this manual, the following definitions will apply:

### **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.

### **Benefits**

Privileges granted to qualified employees in the form of paid leave and/or insurance coverage including vacations, holidays, floating holidays, personal leave, military leave, funeral leave, sick leave, retirement plans, insurances including health, dental, life and long-term disability, and any other benefits as approved by the City Council.

### **Child**

An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, step-child, legal ward, or a child of a person acting in the capacity of a parent.

### **Council Personnel Committee**

A committee of three (3) current City Council members appointed by the Mayor.

### **Demotion**

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

### **Employee Advisory Committee**

The Employee Advisory Committee serves as an active communications liaison, committed to a proactive approach towards enhancing a supportive work environment, promoting effective communications regarding City affairs, maintaining equitable policies, promoting employee recognition, and addressing other concerns/interests. The Committee represents employees' interests and is comprised of at least one (1) employee from each Division, with a maximum of seven (7) members. Committee members will be appointed by the Division Directors for a term of two (2) years.

### **FICA (Federal Insurance Contributions Act)**

FICA is the federal requirement that a certain percentage amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribution for Social Security and Medicare. The City contributes the required match on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers).

### **Fiscal Year**

The period from January 1 to December 31.

### **Immediate Family**

Members of the same household not necessarily legally related, children and step-children, spouse, siblings and step-siblings, parents and step-parents, brothers- and sisters-in-law, fathers- and mothers-in-law.

### **Pay Period**

A fourteen (14) day period beginning at 12:01AM on Monday through 12:00PM (midnight) on Sunday. Employees are paid on the Friday following the close of the pay period.

### **PERA (Public Employees Retirement Association)**

A 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.

**Probationary Period**

A six-month or one-year period, as designated, at the start of employment with the City (or at the beginning of a promotion, reassignment or transfer) that is designated as a period within which to learn the job. Probationary periods may be extended up to a total of one (1) year as per written evaluation by the Supervisor or Division Director. The probationary period is not applicable to temporary/seasonal employment due to the nature and duration of these positions.

**Promotion**

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

**Reclassify**

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

**Regular Pay**

Pay for actual hours worked.

**Retirement**

Eligible for retirement and/or disability benefits in accordance with PERA or Social Security.

**Transfer**

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

**Years of Service**

Employment for the City as a full-time,  $\frac{3}{4}$ -time, part-time, or temporary employee served on a continuous basis with any lapse of employment not greater than (3) months, which credit shall be determined as a ratio of total hours worked per year as compared to 2080 hours per year. No more than 2080 hours worked per year will be considered towards employee's years of service. Years of service also include any years of service agreed to in an executed employment contract. An employee begins earning years of service credit on the first day worked for the City. Some forms of leave will create a break in service.

## ***Chapter 3: EMPLOYEE RECRUITMENT AND SELECTION***

### **3.1 HIRING AUTHORITY**

The City Administrator will manage the hiring process, employee promotions, and employee reclassifications for positions within the City; except for Division Directors, which will be subject to final City Council approval. All hiring decisions will be made according to merit and fitness related to the position being filled. The City Council does retain rights to review personnel decisions made by the City Administrator.

### **3.2 FEATURES OF THE RECRUITMENT SYSTEM**

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

Application for employment will generally be made on application forms provided by the City. Supplemental questionnaires may be required in certain situations. Additional materials may be accepted in certain recruitment situations as determined by the City Administrator. The required application materials must be submitted by the posted deadline for an applicant to be considered for the position. A deadline for application may only be extended by the City Administrator.

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Position vacancies will be open to any City employee who: (1) meets the minimum qualifications for the vacant position; and (2) is currently in good standing with the City. It is the City's intent that any position which requires application will be regarded as an opening. Current qualified employees are encouraged to apply.

### **3.3 APPLICANT TESTING AND EXAMINATIONS**

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

The City Administrator 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. Any, all, or none of the candidates may be interviewed.

### **3.4 PRE-EMPLOYMENT MEDICAL EXAMINATIONS**

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

All full-time and  $\frac{3}{4}$ -time positions will require the employment candidate to successfully pass a medical examination prior to hire to determine that the physical qualifications of the position can be met. Information obtained from the medical exam will be treated as confidential medical records. Medical examinations for part-time and temporary positions will be required at the discretion of the City Administrator.

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

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

### **3.5 PRE-EMPLOYMENT DRUG ~~AND ALCOHOL~~ TESTING**

The City has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment (reference Chapter 10: Drug-Free Workplace). All full-time, ¾-time, and part-time and paid, on-call job applicants who receive a contingent job offer from the City will be required to submit to and pass ~~an alcohol and~~ drug screen urinalysis with a negative test result, prior to commencing employment. Pre-employment testing for temporary/seasonal employees who receive a contingent offer from the City will be required at the discretion of the City Administrator.

Applicants for employment who have received a contingent job offer may refuse a requested drug ~~or alcohol~~ test, at which time the contingent job offer will be withdrawn and the applicant will be ineligible for hire.

~~An applicant who provides an inadequate sample for alcohol or drug testing or whose sample is determined to be adulterated will be deemed to have a positive, diluted positive, or diluted inconclusive test result and will be subject to recession of a contingent offer under this Policy. If the same sample is diluted negative, the applicant may, at their own expense, submit a second sample within 24 hours of notification. If the second sample is negative, no further action is required under this policy. Any other issues remaining will be managed within the scope of other policies.~~

If a candidate is rejected for employment based on the results of the drug screen urinalysis, he/she will be notified of this determination. Job applicants who are denied employment because of a positive test may not re-apply for employment for at least six (6) months.

[Reference the Drug-Free Workplace policy in this manual for further pre- and post-employment guidance and requirements.](#)

### **3.6 BACKGROUND AND CREDIT CHECKS**

All finalists for employment with the City will be subject to educational and criminal history background checks to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Selected positions will be subject to a credit check at the discretion of the City Administrator. Except where already defined by state law, the City Administrator will determine the level of background and credit check to be conducted based on the position being filled.

### **3.7 SELECTION PROCESS**

The selection process will be a cooperative effort between the City Administrator or designee and the hiring supervisor. The City Administrator has final authority on hiring; with the exception of hiring Division Directors, where the City Council retains final hiring authority. The process for hiring temporary employees may be delegated to the appropriate supervisor, with each hire subject to final City Administrator approval. The City has the right to make the final hiring decision based on qualifications, abilities, experience, and City needs.

### **3.8 HIRING OF RELATIVES**

It is the policy of the City to discourage two members of the same immediate family being hired into positions in the same or closely related departments to any full-time, ¾ time, or part-time positions. Immediate family members of current employees may be hired only if they are the most qualified and there will be no supervisory reporting relationships between them as a result of the hiring. Additionally, immediate family members of the City Administrator or City Council members may only be hired upon approval of the City Council. Applicants are required to disclose the immediate family relationship.