

CITY OF MINNETRISTA
CONSENT AGENDA ITEM



Subject: 2026 Personnel Policy
Prepared By: Paula Bauman, Assistant City Administrator
Meeting Date: December 8, 2025

Issue:

The City of Minnetrista conducts an annual review of its Personnel Policy. This year's updates reflect state-mandated changes and revised city practices. All revisions have been reviewed by City Attorney Mary Tietjen and the Personnel Committee.

Background:

The recommended updates are outlined below:

Section 9: Work Schedules – Page 24 (Meal Breaks and Rest Periods)

This update reflects the 2025 legislative changes to the Minnesota Fair Labor Standards Act.

Section 13: Earned Sick and Safe Time (ESST) Policy – Page 30

This section has been updated to align with the League of Minnesota Cities template and applicable state statute.

Section 17: Minnesota Paid Leave (MPL) – Page 37

This new section incorporates the Minnesota Paid Family and Medical Leave statute, which takes effect on January 1, 2026. The statewide law establishes a publicly funded program providing paid family and medical leave.

Section 38: Employee Recognition Program – Page 57

The Employee Recognition Program, approved by the City Council in December 2024, has been added to the Personnel Policy as previously adopted.

All changes noted above are redlined in the attached proposed Personnel Policy. Upon approval of the 2026 Personnel Policy, the Policy will be distributed to all staff. Employees will then be required to submit an acknowledgment of receipt, which is filed within their Personnel File.

Summary:

Staff is requesting approval of the 2026 Personnel Policy, effective January 1, 2026.

Mission Statement:

The City of Minnetrista will deliver quality services in a cost-effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

City of Minnetrista Personnel Policy

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Adopted by City Council: December XX, 2025



EMPLOYEE ACKNOWLEDGEMENT FORM

I acknowledge that I have received a copy of the City of Minnetrista Personnel Policy. It is my responsibility to read and familiarize myself with the Personnel Policy. I agree that if there is any information in this Personnel Policy that I do not understand, I will seek clarification from Human Resources.

I understand that the City of Minnetrista is an "at will" employer and that either the City of Minnetrista or the employee can terminate the employment relationship at any time, with or without cause. It is also understood that neither party has an obligation to base a decision to terminate the employment relationship on any reason other than the decision not to continue the relationship. It is further understood that nothing contained in this Personnel Policy is intended to create nor shall it be construed as creating a contract of employment, express or implied, or a guarantee of employment for a definite or indefinite term.

In addition, I understand that this Personnel Policy states the City of Minnetrista's policies, practices, and procedures in effect on the date of publication. I understand that nothing contained in this Personnel Policy may be construed as creating a promise of future benefits or a binding contract with the City of Minnetrista for benefits or for any other purpose. I also understand that these policies, practices, and procedures are continually evaluated and may be amended, modified, or rescinded at any time. My signature on this page serves as an acknowledgement of my responsibility to keep this Personnel Policy current as changes are issued, as well as an acknowledgement that I have received all Company policies that may affect me in compliance with the Minnesota Wage Theft Act.

Please sign and date this receipt and return it to Human Resources.

Print Name: _____

Signature: _____

Date: _____

Section 1	Introduction	
	Letter to Employees	
	Vision, Mission, Safety Compliance Statements	
Section 2	Organization and Departments	
	Organizational Chart	
	Council and Commission Descriptions	
	City Staff and Departments	
Section 3	Purpose and Scope of the Policy	
	Purpose	
	Scope and Application of Personnel Policy	
	EEO Policy Statement	
	Declaration of Equal Opportunity	
	Data Practices Advisory	
	Provisions superseded in Certain Cases	
	Orientation of New Employees	
	At-Will Employment	
	Administration of Policy	
	Federal, State, and Local Legislation	
Section 4	Definitions	
Section 5	Employee Recruitment and Selection	
	Review of Position Openings	
	Recruitment	
	Advertisement	
	Screening of Applicants	
	Interview and Evaluation	
	Selection and Notification	
	Personnel Records	
	Age Requirements	
	Familial Relationships	
	Employment Verification and References	
	Temporary Employment	
Section 6	New Hire Protocol	
	New Hires	
	Promotions	
	Medical Examinations	
Section 7	Compensation	
	Salary Schedule	
	Department Head Pay Schedule	
	New Positions	

	Promotions	
	Pay Period Pay Dates	
	Compulsory Deductions	
	Voluntary Deductions	
	Direct Deposit	
	Time Reporting	
Section 8	General Provisions	
	Attendance	
	Dress	
	Non-Uniformed Personnel	
	Falsification of Records	
	Whistleblower Protections	
	Political Activities of Employees	
	Smoking	
Section 9	Work Schedules	
	Normal Week	
	Flextime	
	Meal Breaks and Rest Periods	
	Office Hours	
	Overtime	
	Compensatory Time	
	Administrative Time	
	Non-Exempt (Overtime-Eligible) Employees	
	Exempt (Non-Overtime Eligible) Employees	
	Leave Policy for Exempt Employees	
Section 10	Outside Employment	
Section 11	Conduct as an Employee	
Section 12	Paid Time Off Earned Sick and Safe Time	
	Accrual Rates	
	PTO/ESST	
	Use of PTO/ESST	
	Maximum Accrual of PTO/ESST	
	PTO/ESST Upon Severance	
	PTO/ESST for Non-Regular Employees	
Section 13	Earned Sick and Safe Time (ESST) Policy	
	ESST Eligible Uses	
	Advance Notice for use of ESST	
	Retaliation Prohibited	
	Benefits and Return to Work Protections	
Section 14	Extended Illness Bank	
	Use of Extended Illness Bank	
	Parameters for Requesting Extended Illness Bank	

	Extended Illness Bank Upon Severance	
	Work Related Injury	
	Compensable Injury	
	Medical Verification	
	Donation of Extended Illness Bank and PTO Hours	
Section 15	Funeral Leave	
Section 16	Family and Medical Leave	
	FMLA Employee and Employer Rights	
	FMLA Eligibility Requirements	
	Minnesota Parental Leave Act	
	Reasonable Unpaid Work Time for Nursing Mothers	
	Light Duty/Modified Duty Assignment	
	Reasonable Accommodations to an employee for Health Conditions related to Pregnancy	
Section 17	Minnesota Paid Leave (MNPL)	
	Eligibility	
	Benefit Amount	
	Leave Entitlement and Usage	
	MNPL Intermittent Leave	
	Definitions	
	Reinstatement	
Section 18	Leave of Absence Without Pay	
	Regular Leave Without Pay	
Section 19	Military Leave	
	Paid Leave	
	Unpaid Leave	
	Rights of Others	
Section 20	School Activity School Conference Leave	
Section 21	Bone Marrow Organ Donation	
Section 22	Voting and Election Judge Leave	
Section 23	Jury or Witness Duty	
	Court Appearances	
	Victim or Witness Leave	
Section 24	Short-Term and Long-Term Disability Coverage	
Section 25	Holidays	
	Holiday Work	
	Observance	
Section 26	Inclement Weather	
	Severe Weather	
	Emergencies	
Section 27	Health, Dental, and Life Insurance Benefits	

	Provider	
	Cafeteria Plan	
	Employer Contributions	
	Leave and Benefits	
	Benefit Options	
	Unpaid Continuation of Coverage after Employment	
Section 28	Employee Assistance	
	Unemployment Compensation and Workers' Comp	
Section 29	Employee Education and Training	
	Job Related Training & Conferences	
	Job-Related Meetings	
	Request for Participation in Training & Conferences	
	Out of State Travel	
	Compensation for Travel & Training Time	
	Membership and Dues	
Section 30	Expenses	
	Mileage	
	Travel	
	Meals	
	Lodging	
	Mandatory Education	
	Elected Education and Tuition Reimbursement	
	Reimbursing Personal Expenses to City	
Section 31	Purchases	
	Authorization of Expenditures	
Section 32	Vehicles	
	City Owned Vehicles	
	Traveling in City-Owned and Personal Vehicles	
Section 33	Resignation	
Section 34	Retirement	
	Notice	
Section 35	Layoffs	
Section 36	Discipline	
	Progressive Discipline	
	Verbal Reprimand	
	Written Reprimand	
	Suspension With and Without Pay	
	Dismissal	
	Other Disciplinary Actions	
	Hearing	
Section 37	Grievance Procedure	

	Process	
	Waiver	
Section 38	Performance Reviews	
	Purpose of Performance Reviews	
	Timing of Performance Reviews	
	Preparing for Performance Evaluations	
	Acknowledgement of Performance Evaluation	
Section 39	Employee Recognition	
	Service Anniversary Awards	
	Retirement Recognition	
	Other Recognition Programs	
Section 40	Drug Free Workplace	
	Alcohol and Drugs	
	Use and Possession of Alcohol and/or Drugs	
	Tobacco	
	Drug and Alcohol Testing	
	Testing Procedure	
	Testing Laboratory	
	Test Results	
	Emergency Call Back to Work Procedures	
	Refusal on Religious Grounds	
	Rights of Employees and Job Applicants	
	Consequences for Refusal to Test	
	Data Privacy	
Section 41	Communications Technology	
	Systems	
	Hardware	
	Software	
	General Cell Phone Policy	
	City-Owned Cellular Phones	
	Personal Cellular Phones	
	Employee Responsibility	
	Information	
	Personal Information	
	Tennessee Warning	
Section 42	Public Relations	
	Authorization for Media Release	
	Guidelines for Media Release	
	Media Requests	
Section 43	Personal Communications and Technology	
Section 44	Confidential Information	
Section 45	Ethics	

	Acceptance of Gifts	
	Gift Exceptions	
	Consult with Department Head	
	Organizational Support	
	Judgement	
Section 46	Conflicts of Interest	
Section 47	Legal Action	
Section 48	Respectful Workplace	
	Applicability	
	Abusive Customer Behavior	
	Types of Disrespectful Behavior	
	Employee Response to Disrespectful Workplace Behavior	
	Supervisor’s Response to Allegations of Disrespectful Workplace Behavior	
	Special Reporting Requirements	
	Confidentiality	
	Retaliation	
Section 49	Sexual Harassment	
	Application of Policy	
	Definition of Sexual Harassment	
	Examples of Harassment and Offensive Behavior	
	Reporting Violations	
	Expectations	
	Special Reporting Requirements	
	Retaliation	
Section 50	Safety	
	Reporting Accidents and Illnesses	
	Safety Equipment Gear	
	Unsafe Behavior	
	Possession and Use of Dangerous Weapons	
Section 51	Questions	

SECTION 1: INTRODUCTION

Dear City of Minnetrista Employee:

Whether you are a new or long-time employee, you are valuable to the City of Minnetrista. The City recognizes that it is through our employees that our citizens are served. We want you to become the most effective employee possible. For that reason, we have prepared this manual to help you understand your rights, responsibilities, and benefits as an employee. Please make it available for easy reference in the event you have questions about a particular issue.

While we have made every attempt to address most of the issues of concern to an employee, this manual should not be taken as a completely comprehensive document. There are many specific laws and regulations dealing with employment, and it is impossible to include all their details. The manual is a compilation of key federal and state provisions and locally adopted policies, and it may be revised as needed. For positions represented by unions, the terms of negotiated collective bargaining agreements take precedence if they conflict with the provisions of this manual. Employees with questions not addressed in the manual should feel free to contact the City Administrator's Office.

We encourage you to enjoy your job, to set high standards and take pride in your work, and to perform your job to the very best of your ability. We hope that by working together, we will continue to maintain and improve the high quality of government in the City of Minnetrista.

The City of Minnetrista Council

Lisa Whalenaylon, Mayor
Cathleen Reffkin, Councilmember
Peter Vickery, Councilmember
Claudia Lacy, Councilmember
Brian Govern, Councilmember

City of Minnetrista Vision Statement

Minnetrista is to be a community with a broad range of housing on various lot sizes and a long-term commitment to economic and ecological balance that allows harmonious development while preserving and protecting its beautiful woods, steep slopes, wetlands, lakes, and streams.

City of Minnetrista Employee Mission Statement

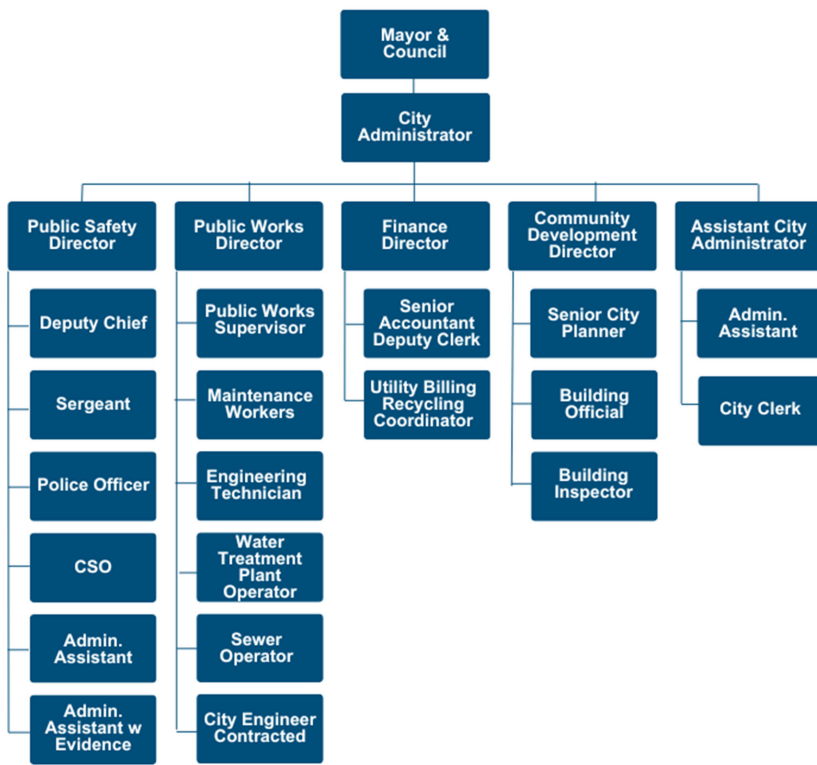
Employees of the City of Minnetrista work as a team to enhance the quality of life for our residents through excellent customer service, quality performance, and ongoing communication. We are responsive to citizens' needs, maintain a high degree of ethics, and support our organization and its leadership

City of Minnetrista Safety Compliance Policy Statement

Workplace safety is a priority for employees of the City of Minnetrista. Personnel shall perform assigned duties in accordance with safety and health-related policies, standard operating procedures, and safe work practices. Failure to observe safety and health-related policies may result in disciplinary action.

SECTION 2: ORGANIZATION & DEPARTMENTS

City of Minnetrista Organizational Chart: 2026



Council and Commission Descriptions

1. City Council

The City Council consists of the mayor and four members of the council, each elected at large. The Council meets on the first and third Monday of each month at 6:30 p.m. City Council work sessions are held on the first and third Monday of each month, with special meetings being called as necessary.

2. Planning and Zoning Commission

The Minnetrista Planning Commission is made up of seven members who are appointed by the City Council to serve four-year terms. There are two alternate positions on the Commission as well. The Commission meets every fourth Monday to review and recommend actions on proposed subdivisions and other land use applications.

3. Park and Recreation Commission

The Park and Recreation Commission is made up of five members who are appointed by the City Council to serve three-year terms. There are two alternate positions on the Commission as well. They are an advisory group to the City Council, making recommendations on matters relating to the City's Park, Trails, and Open Space Plan.

City Departments

1. City Administrator

The City Administrator is the chief administrative officer of the City under the direction of the Council, who advises the Council on matters of general policy, personnel, budget, and procedure.

2. Administration

The Administration Department is responsible for implementing the policies adopted by the City Council and overseeing the general management of the City. The Administration Department is responsible for personnel, compensation and benefits administration, labor relations, communications, policy research and implementation, and elections. The Administration Department consists of the City Administrator, Assistant City Administrator, City Clerk, and Administrative Assistant.

3. Finance

The Finance Department provides accounting services for all City departments. This department administers the payroll and related personnel activities. This department is responsible for revenue collections, disbursements, investments, utility billing, preparation of the annual budget, and financial statements of the City. The Finance Director is assisted by a Payroll/Billing Clerk and an Accounting Clerk/Deputy Clerk.

4. Public Safety

The Public Safety Department enforces federal, state, and municipal laws within the City and within the jurisdiction of St. Bonifacius by contract. The [Public Safety Police](#) Department also responds to medical emergencies, fire emergencies, accidents, animal control calls, theft, damage to property, and alarm responses. The [Public Safety Police](#) Department is responsible for providing public education, crime prevention programming, emergency preparedness programming, and community-oriented police work. The Director of Public Safety is assisted by a Lieutenant, a Sergeant, an Investigator/Detective, Patrol Officers, CSO Officers, and Clerical Staff.

5. Public Works

Public Works maintains all [City](#) buildings, water, sewer, and storm water facilities, streets, sidewalk maintenance, gravel roads, and park maintenance. Public [W](#)orks are also responsible for snow removal. The Director of Public Works is assisted by Maintenance Personnel.

SECTION 3: PURPOSE AND SCOPE OF THE POLICY

Purpose. The purpose of this Personnel Policy is to provide a uniform and efficient system of personnel administration, and to set forth the pledge of the employer and employees to their continued dedication to the highest quality of public service. This Personnel Policy is not intended to be and does not constitute an employment contract.

Scope ~~&~~ Application of Personnel Policy. This Personnel Policy applies to all regular part-time and full-time employees, and temporary part-time employees of the City of Minnetrista. Except where specifically noted, this Personnel Policy does not apply to the following:

1. Elected Officials
2. Members of City boards, commissions, and committees
3. Volunteer personnel
4. Personnel included in a collective bargaining agreement, but only insofar as this policy is inconsistent with such agreement
5. Emergency employees
6. City attorney; and
7. Consultants and contractors.

This Policy replaces all previously adopted employee policies. All employees are required to read the Policy and sign the Personnel Policy Acknowledgement form found at the beginning of this Personnel Policy. This Personnel Policy takes precedence over all past practices and verbal and written representations of regular terms and conditions of employment. The City has the right to amend the Policy at any time without notice.

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

If any specific provisions of the personnel policies conflict with any current union agreement, the union agreement 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.

EEO Policy Statement. The City of Minnetrista 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 Minnetrista will not discriminate against any employee or job applicant based on 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 concerning public assistance, veteran status, familial status, or membership on a local human rights commission or lawful participation in the Minnesota Medical Cannabis Patient Registry.

Declaration of Equal Opportunity. The City of Minnetrista acknowledges that equal opportunity for all people is a fundamental human value. Consequently, it is the policy of the City to provide equal opportunity in employment and personnel management for all employees as provided by state and federal statutes and regulations.

To implement this policy, the City of Minnetrista requires that every employee or person making an application for employment will be considered based on individual ability and merit, without discrimination or favor. This extends to all recruitment, selection, promotion, transfer, demotion, layoff, discipline, termination, compensation, and training.

The City of Minnetrista prohibits the harassment of any employee or job applicant based on their protected class status. Any employee of this organization who does not comply with the policies and procedures outlined in this policy and plan may be subject to disciplinary action.

Any subcontractor not complying with all applicable Equal Employment Opportunity laws, directives, and regulations of the Federal and State governing bodies or agencies thereof will be subject to appropriate legal sanctions. If any employee or applicant for employment believes they have been discriminated against, they are encouraged to contact the City Administrator.

Data Practices Advisory. Employee records are maintained in a location designated by the Assistant 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.

Provisions Superseded in Certain Cases. Any employee included in a collective bargaining agreement entered in accordance with the Public Employment Labor Relations Act, Minnesota Statutes Section 179A.01 to 179A.25, shall be exempt from any provision of this policy that is inconsistent with such agreement. Any employee within the jurisdiction of a personnel board established under Minnesota Statutes Chapters 44, 419, or 420 is exempt from any provision of this policy that is inconsistent with such statutes, rules, and regulations adopted thereunder. Nothing in this policy is intended to modify or supersede any provision of the Veterans Preference Act, Minnesota Statutes Sections 197.455, 197.46,

and 43A.11. Where this policy is inconsistent with state or federal law, the applicable law will be followed.

Orientation of New Employees. All new employees will go through an orientation of the City with the Assistant City Administrator. The orientation will include a review of this Personnel Policy, benefits information, introductions, emergency procedures, and basic information to get employees started in their new position with the City.

At-Will Employment. All employees are hired on an at-will basis. Except as otherwise prohibited by law, the City of Minnetrista 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.

Administration of Policy. Department Heads and the City Administrator shall administer this Personnel Policy. Any employee, or group of employees, has the right to express or communicate views, complaints, or opinions on any matter with their Department Head and/or the City Administrator.

State, Federal, Local Legislation. If any part of this Personnel Policy conflicts with state, federal, or local laws, or an applicable collective bargaining agreement, such laws or agreements shall prevail.

SECTION 4: DEFINITIONS

Regular Full-time Employee. A regular full-time employee is regularly employed for forty (40) or more hours per week.

Regular Part-time Employee. A regular part-time employee is regularly employed for less than forty (40) hours per week, but more than fourteen (14) hours per week.

Temporary Part-time Employee. A temporary part-time employee is one hired to work temporarily for full or part-time employment, but less than sixty-seven (67) days a year, or one hired to work less than fourteen (14) hours a week.

New Hire. A newly hired employee has been assigned a regular full-time or part-time position but has not been employed with the City for a twelve (12) month period.

Elected Official. An elected official has been elected to a constitutional or statutory office within the City's governmental system.

Department Head, Supervisor, or Lead Worker. A Department Head is the administrative head of a department who has the authority to recommend hiring and termination of employees to the City Administrator, administer discipline through suspension, training, transfer, adjust grievances, administer budgets, and conduct the day-to-day business of the department in adherence with the Minnesota PELRA definition.

Non-Union Employees. Non-union employees are all employees in positions that are not specifically included in any of the City bargaining units.

Exempt Positions. Exempt positions may include managers, executives, administrative, and professional employees, who, because of the nature of their work, are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.

Non-Exempt Employees. Non-exempt employees are those employees who do not meet the criteria for exempt status and are eligible for overtime pay under the FLSA.

Interns. Interns are short-term employees, typically less than six (6) months, employed part-time and receiving no benefits. An internship is typically related to the completion of educational requirements. Any department wishing to create an intern position shall notify the City Administrator. Benefits are not paid, nor shall they accrue.

SECTION 5: EMPLOYEE RECRUITMENT AND SELECTION

The City Administrator or designee will manage the hiring process for positions within the City. While the hiring process may be coordinated by staff, the Council is responsible for the final hiring decision and must approve all regular hires for City employment. All hires will be made according to merit and qualifications for the position. Whenever possible, appointments will be considered within the existing staff when qualified candidates exist.

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

Review of Position Openings. When a position vacancy occurs, the Department Head and City Administrator will review the duties and qualifications of the position to ensure that the job description is current and accurate.

1. **Job Descriptions.** The City will maintain job descriptions for each regular position. New positions will be developed as needed and must be approved by the City Council before the position is filled.

A job description is prepared for each position within the City. Each job description will include position title, department, supervisor's title, FLSA status (exempt or 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 the position. In addition, job descriptions may also describe the benefits offered and potential career path opportunities to entice a qualified pool of applicants. Good attendance and compliance with work rules and policies are essential functions of all City positions.

Before posting a vacant position, the existing job description is reviewed by the City Administrator or designee 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 for each new employee. Supervisors are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the City Administrator.

2. **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 the City Administrator.
3. **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.

Recruitment. The City may recruit to fill employment vacancies using any or all of the following methods:

1. Internal posting within the department;
2. General internal posting for all City employees; or
3. Outside recruitment.

Advertisement. The Administration Department shall publicize recruitment of position openings according to the following procedures:

1. Notice of vacancies and new positions shall be posted as soon as possible within City buildings and on the City website.
2. Advertisements shall be placed at a minimum on the LMC Website/Bulletin. Other publications and methods may be used as needed.

Notice of "Equal Opportunity Employer" shall be included in each notice of opening.

Screening of Applicants. Application shall be made on forms provided by the Administration Department or appointed representative. The Department Head and the City Administrator shall review completed applications. They shall be ranked according to the qualifications specified in the position description. These rankings will be used as the basis for determining the applicants to be interviewed.

Interview and Evaluation. The evaluation process may consist of one or more interviews in combination with testing approved by the City. A psychological evaluation may be required to verify the ability of the applicant to perform the job. A physician's certificate may be required to verify the ability of the applicant to perform the job. Criminal & credit background checks may be performed. Drug testing and alcohol testing may also be required if a conditional job offer is made.

Selection and Notification. The Department Head shall, subject to approval of the City Administrator and City Council, decide to hire. The City Administrator shall notify the candidate selected of the decision.

Personnel Records. The City Administrator's Office shall maintain official personnel records for each employee. Department Heads may have access to personnel files upon request.

All information about an employee shall be accumulated and disseminated according to the Minnesota Government Data Privacy Act and any other related federal laws. The City Administrator is designated

as the authority responsible under this act. Each file is accessible to the affected employee, but information shall be released to other people only as required under the Act.

It is the responsibility of each employee to see that the following items are kept current:

1. Home address
2. Telephone number
3. Changes in dependent status
4. Emergency contact
5. Beneficiary changes (i.e., group life and pension)
6. Legal name changes

The City Administrator's Office shall provide the necessary forms for reports on all personnel changes.

Age. No person under the age of eighteen (18) shall be employed by the City in any work, except for a temporary position, where the minimum age is 16 years. This provision shall not apply to special youth employment programs.

Familial Relationship. No person shall be appointed, promoted, or transferred to a position where that person would be working with, supervising, or receiving supervision from that person's spouse, any person permanently residing with the employee, a child, parent, sibling, grandparent, or grandchild of either the employee or of the employee's spouse.

Employment Verifications and References. To assure-ensure compliance with data privacy law, all verbal and written requests for employment verification shall be responded to by the City Administrator's Office.

With approval from the City Administrator, Department Heads may provide written references for current or former employees, provided they are strictly factual in nature and contain only public information. Employee performance records are private data under the law. Please contact the Administrator's office for further information.

Temporary Employment. Due to occasional emergency needs for temporary help, Department Heads are authorized to recall previous temporary employees for temporary service. In all such cases, temporary employees shall be paid at the minimum rate of pay currently in effect for permanent employment in the position to which they are assigned.

SECTION 6: NEW HIRE PROTOCOL

New Hires. There is a new hire protocol for all original hires or re-hired employees. Employees are hired on an at-will basis. The following rules apply to original hire employees and may also apply to rehiring employees at the discretion of the City Administrator and City Council.

1. New hire employees may use accumulated paid time off, as approved by the City Administrator and Supervisor. Compensatory or Administrative time may be used at the discretion of the City Administrator and Supervisor.
2. Upon request and approval of the Supervisor, employees may go into a negative PTO balance of no more than forty (40) hours. In the case of a negative balance, any leave taken beyond 40

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hours will be unpaid leave until the leave bank has been brought out of negative balance. If employment is terminated and the PTO balance is negative, the employee must reimburse the City for the negative balance at their hourly rate.

3. The City reserves the right to terminate employment for any reason without cause.
4. Paid Time Off shall have no cash value to any employee terminated, for any reason, within the first year of an original hire.

The employee's immediate Department Head shall prepare a written performance evaluation annually to assess the performance of the employee. This evaluation shall be submitted to the Administrator's Office, and a copy shall be placed in the employee's personnel file.

Promotions. Upon promotion, the employee's ability to perform the duties and responsibilities of the position will be evaluated. At any time, the City may elect to return the employee to the previously held job classification and pay rate or dismiss the employee.

Medical Examinations. After a conditional job offer is made to a job applicant, the City may require the applicant to take and pass a pre-employment physical exam, including a drug or alcohol test. Information from the exam must be available to the City.

Such examination shall be at the City's expense and shall be given by a licensed, qualified physician designated by the City. The relevant job description, which includes the physical requirements of the job, will be provided to the physician.

Information provided by the applicant to the City and the examining physician must be accurate and complete for the applicant to qualify for employment, paid time off, and other benefits. Information obtained from the medical exam will be treated as confidential medical records.

SECTION 7: COMPENSATION

Salary Schedule. The City Administrator, or designee, will maintain a current compensation policy, including job classifications for each position not covered under the union contract. The City Administrator, or Designee, will submit recommended revisions to the policy to the City Council as needed. The Council will review the plan and may amend any or all of it before final approval. Such plans shall be available for public review in the City Administrator's Office.

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:

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

The City cannot retaliate 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) 284-5070 or (800) 342-5354.

Department Head Pay Schedules. No Department Head pay range shall have a maximum pay step less than the same job evaluation level in a union contract.

New Positions. If a position has no established pay range, the City Administrator will determine the appropriate range.

Promotion. When employees are promoted, they will normally receive an increase to either: (a) the minimum pay level of the new range or (b) the salary in the new range that is immediately above the employee's salary before promotion.

Pay Period/Pay Dates. Payday occurs every other Thursday. The pay period covers the previous two (2) weeks from Sunday to Saturday. Payroll questions can be directed to the Finance Officer.

Compulsory Deductions. The following deductions from payroll are mandatory for all regular employees. Some of these deductions, however, may not apply to all departments. Employees should check with their Department Head or the Finance Officer regarding their deductions:

1. Federal Income Tax
2. State Income Tax
3. FICA (Social Security)
4. Public Employees Retirement Association (PERA) or an acceptable alternative in the case of the Administrator.
- 4.5. Paid Family Medical Leave (PFML)
- 5.6. Recovery of any pro-rated clothing allowance
- 6.7. Any garnishments provided by law.
- 7.8. Union Dues

Voluntary Deductions. The City offers options for voluntary payroll deductions. They are:

1. **Deferred Compensation.** There is a deferred compensation plan available (savings of income before taxes). The City of Minnetrista will follow the allowable maximum contribution amounts set forth by law. For more information on deferred compensation, contact the Assistant City Administrator.
2. **Additional Life Insurance.** Low-cost, group term life insurance with additional coverage for accidental death and dismemberment is available to regular employees through P.E.R.A. and the City's group life insurance plan, with premiums deducted from the employee's paycheck. Brochures are provided with new employee packets or from the Benefits Administrator.

Direct Deposit. Paychecks are administered through automatic direct deposit. Employees will be asked to submit information pertinent to the bank account they would like their check deposited. As provided for in Minnesota law, all employees are required to participate in direct deposit. Employees are responsible for notifying the City Administrator of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc.

Time Reporting. Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. In most cases, this will be 40 hours per workweek. They 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 bi-weekly basis. Each time reporting form must include the signature of the employee and the immediate supervisor. Reporting false information on a time sheet may be cause for immediate termination.

SECTION 8: GENERAL PROVISIONS:

Attendance. The normal workday for regular full-time employees is eight and one-half (8 ½) hour days, including one-half (1/2) hour unpaid lunch break. The normal workweek for most regular employees is five days, Monday-Friday. Flexible schedules may be required or arranged for some employees.

Employees should arrive on time in accordance with their departmental schedules and work the normal hours that are established for their position unless otherwise arranged by their Department Head.

From time to time, absence and tardiness may occur. In such instances, employees are required to contact their Department Head before the start of their scheduled shift. Failure to notify their Department Head in the event of an absence or tardiness may result in disciplinary action.

Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy will be considered to have voluntarily resigned, not in good standing. The City may waive this rule if extenuating circumstances warrant such behavior.

This policy does not preclude the City from administering discipline for unexcused absences of less than three (3) days. Individual departments may establish more specific reporting procedures.

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.

Dress. The dress and appearance of City employees is a direct reflection of the professionalism of our services. A neat, well-groomed, and appropriately dressed employee will present a positive image of the City and demonstrate the pride of our City employees. Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contact 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 to 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 against other employees.

Non-uniformed Personnel. The following items are considered inappropriate attire for the office environment:

1. Tube tops, halter tops, tank tops, muscle shirts
2. Clothing that is revealing, outlandish, or body-hugging, such as spandex
3. Clothing that is worn, faded, or in [dies](#)repair
4. Shorts in general
5. Mini skirts

These examples are intended only as a guide and are not all-inclusive. Employees with a question about a particular clothing item should contact their department head.

1. **Uniformed Personnel.** Uniforms, which are provided to some [City](#) employees, are expected to be neat, fresh, and clean when reporting to duty. Each department is responsible for employees following regulations regarding uniforms, related accessories, and equipment. Uniforms bearing a [City](#) identification patch should not be worn during off-duty hours.
2. **Administration of Dress Code.** Failure to comply with the dress-code policy may result in disciplinary action. Employees may also be sent home to change unpaid if the situation warrants.

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.

Whistleblower Protections. An employee of the City who, in good faith, reports an activity that they consider to be illegal or dishonest to one or more of the parties 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 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 about 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 with their legal rights of defense. The [City](#) will not retaliate against whistleblowers. This includes but is not limited to protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, 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.

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

Smoking. The City of Minnetrista 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 (using 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 18 and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

SECTION 9: WORK SCHEDULES

Normal Week. For most positions, a normal work week shall consist of forty (40) hours, five days a week, Monday through Friday, except as otherwise approved by the City Administrator in accordance with the customs and needs of the individual departments.

Flextime. Regular, full-time employees may have the opportunity to work a flexible schedule, with prior approval of their Department Head. The following guidelines apply to flextime:

1. Participation is voluntary unless the incorporation of flextime is necessary to adequately serve the public.
2. Flexible working schedules should be developed in the context of a forty (40) hour workweek and can be periodic, seasonal, or ongoing, based on the needs of each department.
3. Four 10-hour workdays will not be allowed for an extended period of time, but may be acceptable on occasion. This restriction shall not apply to the Police.
4. Flextime work schedules will be compensated based on an eight (8) hour day. Paid time off will be compensated based on actual scheduled hours.
5. Flextime schedules will not be allowed in certain departments if it interfere with the departments or the City's ability to provide quality customer service, and accessibility to the public.
6. Flextime is a privilege that is revocable at any time by the Department Head.
7. Approval and management of flextime is the responsibility of each Department Head.
8. Where multiple departments overlap in responsibilities for coverage, there must be successful coordination of flextime by Department Heads.
9. Department Heads should request the City Administrator if they wish to work flexible working schedules.

Meal Breaks and Rest Periods. Department Heads are responsible for scheduling lunch periods that do not interfere with work requirements. ~~In most City departments, the normal lunch period is half (1/2) hour long. It is not part of the compensated workday. Full-time employees shall receive two (2) fifteen~~

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~~(15) minute rest periods in each regular work shift, as designated by their Department Head. There is no accumulation of rest period time.~~

~~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 when an employee is not completely relieved of work duties.~~

~~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.~~

Office Hours. Business hours of the City Offices and the Administrative Offices of the [Public Safety/Police](#) Department are 8:00 a.m. to 4:30 p.m. (including the noon hour), Monday through Friday. Memorial Day through Labor Day, City Offices and Administrative Offices of the [Public Safety/Police](#) Department are 7:30 a.m.-4:30 p.m. Monday- Thursday, and Friday 7:30 a.m.-12:00 p.m. Police operations are on duty twenty-four hours a day, seven days a week. Public Works is open from 7:00 am to 3:30 pm.

Overtime. The City of Minnetrista 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.

Department Heads should authorize overtime only when necessary to meet an urgent, job-related need. They are expected to develop guidelines for overtime work in their departments, so the grounds for authorization are clearly understood. No employee shall be permitted to work overtime without advance authorization.

All employees shall be expected to respond to the call for work outside of the regular hours, should overtime be required by their Department Head or by the City Administrator.

All hours worked over forty hours (40) per workweek shall be considered as overtime for non-exempt employees.

"A workweek is seven consecutive 24-hour periods. 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.)

Compensatory Time. Instead of overtime, non-exempt employees may earn compensatory time off, on a time-and-a-half basis, for all overtime hours. Such compensatory time may be accumulated up to forty (40) hours maximum. Employees may “bank” up to forty (40) hours of compensatory time. If overtime is required of a non-exempt employee having the maximum balance, that overtime shall be paid out. This paid amount shall be included in the employees’ bi-weekly paycheck.

It is at the Department Head's discretion whether the employee is to earn compensatory time or be paid overtime. Compensatory time shall not be carried over from one fiscal year to another. Thus, any balance of compensatory time at year's end shall be paid to the employee.

Admin Time. Exempt employees are not eligible to earn overtime or compensatory time. It is understood, however, that exempt employees are required to work more than the normal work day to fulfill job responsibilities. Admin Time may be accrued by exempt employees who are required to attend meetings after regular hours. Admin Time balances may not exceed 40 hours at any given time and may be used in any increment at the discretion of the employees and approved by their supervisor. Admin Time shall not be carried over from one fiscal year to another.

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 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-a-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 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 their timesheet that the overtime earned is to be recorded as compensatory time in lieu of payment.

The maximum compensatory time accumulation for any employee is 40 hours per year. Once an 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.

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

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 work week.

Exempt employees are paid on a salary basis. This means they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the quality or quantity

of work performed, and they receive their full weekly salary for any week in which any work is performed.

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

1. The employee is in a position that does not earn paid time off or personal leave and is absent for a day or more for personal reasons other than sickness or accident.
2. The employee is in a position that earns paid time off, 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 their paid leave.
3. The employee is absent for a full workweek, and, for whatever reason, the absence is not charged to paid leave (for example, a situation where the employee has exhausted all their paid leave or a situation where the employee does not earn paid leave).
4. 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 worked.
5. The employee is in a position that earns paid leave and is absent for a partial day due to personal reasons, illness, or injury, but:
 - a. Paid leave has not been requested or has been denied.
 - b. Paid leave is exhausted.
 - c. The employee has specifically requested unpaid leave.
6. 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.
7. The employee takes unpaid leave under the FMLA.
8. The City of Minnetrista 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 work week in which budget-related deductions are made.

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

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

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.

Leave Policy 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.

While the City certainly has discretion on how to handle exempt employees' timesheet reporting, it is a fairly common practice not to require leave for less than a four-hour absence:

Exempt employees are required to use paid leave when on personal business or away from the office on a given day. Exempt employees must communicate their absence to their supervisor and/or City Administrator or their designee.

If one of the above employees is regularly absent from work under this policy and it is found that 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 (40) hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to determine whether a part-time position will meet the needs of the City. Additional notification and approval requirements may be adopted by the City Administrator for specific situations as determined necessary.

SECTION 10: OUTSIDE EMPLOYMENT

The potential for conflicts of interest is lessened when individuals employed by the City of Minnetrista regard the City as their primary employment responsibility. All outside employment is to be reported to the employee's immediate supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the City Administrator.

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

1. Outside employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a part-time employee's regular work schedule.
2. Outside employment must not interfere with the employee's ability to fulfill the essential requirements of their position.
3. The employee must not use City of Minnetrista equipment, resources, or staff in the course of outside employment.
4. The employee must not violate any City personnel policies because of outside employment.
5. 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.
6. No employee will work for another employer, or for their own business, while using paid time off from the City for those same hours.
7. Departments may establish more specific policies as appropriate, subject to the approval of the City Administrator.

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

SECTION 11: CONDUCT AS A CITY EMPLOYEE

In accepting Ccity employment, employees become representatives of the Ccity 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 Minnetrista. Employees should exhibit conduct that is ethical, professional, responsive, and of the standards becoming of a Ccity employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors.

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

1. Always perform assigned duties to the best of their ability.
2. Render prompt and courteous service to the public always.
3. Read, understand, and comply with the rules and regulations outlined in these personnel policies as well as those of their departments.
4. Conduct themselves professionally toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
5. Report any unsafe conditions to the immediate supervisor.
6. Maintain good attendance while meeting the goals set by an employee's supervisor.

~~6.~~

SECTION 12: PAID TIME OFF (PTO) LEAVE and EARNED SICK AND SAFE TIME (ESST)

Accrual Rates

Tier	Year	Total Hours	Severance
1	0-2 Years	140	100%
2	3-5 Years	180	100%
3	6-10 Years	220	100%
4	11-15 Years	240	100%
5	16 +	280	100%

PTO/ESST. All eligible non-union employees will accrue Paid Time Off (PTO)/Earned Sick and Safe Time (ESST) based on years of service with the City of Minnetrista. [\(See section 13 regarding ESST Policy\)](#)

The City of Minnetrista's PTO program exceeds the requirements of the State of Minnesota's Earned Sick & Safe Time (ESST) law required under state statute, both in terms of accrual amounts and authorized uses.

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Use of PTO/ESST. If the need for PTO/ESST is foreseeable, the City requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for PTO/ESST as soon as practicable. If the leave is to be for one day or less, permission will be granted without notice if the department head feels that City service will not be adversely affected. Priority will be given to leave scheduling based on the earliest date of request and seniority. Leave scheduling for employees is the responsibility of their supervisor.

Maximum Accrual of PTO/ESST. Employees may accrue leave to a maximum of four hundred (400) hours. In the event an employee has been unable to take advantage of leave as earned, one may be absent from work with notice to take leave and thus prevent the loss of leave beyond the maximum of four hundred (400) hours. Any accrued leave beyond the four hundred (400) hours limit must be taken as it is accrued, otherwise it is ineligible for accrual, subject to the following subsection.

PTO/ESST Upon Severance Separation. Any employee leaving the service of the City in good standing will be compensated for leave accrued to the day of separation, provided said employee has served at least twelve (12) consecutive months before separation and has given the City at least two weeks' notice before the effective date of such separation. Such pay for accumulated leave will be at the same rate as the hourly rate of the employee's base salary. Time and accrual will be based upon the "anniversary date" rather than a calendar year.

Commented [MT2]: I think this is what is intended here.

PTO/ESST for non-regular employees. In accordance with state statutes, City of Minnetrista non-regular and variable hour employees who do not qualify for vacation or annual leave benefits and who are anticipated to work at least 80 hours in a calendar year are eligible to earn sick and safe leave in accordance with the following provisions:

Eligible non-regular employees will earn 1 hour of sick and safe leave for every 30 hours worked up to a maximum of 48 hours per year. Accrual begins upon hire but cannot be used until employees meet the 80 hours worked threshold. Earned and unused hours are not eligible for cash out or conversion to any other form of payment at any time. Employees who are rehired within 180 days of separation shall have earned and unused sick and safe leave reinstated. These hours for non-regular employees can be used for any time off as allowed under Section 12B (below) and the Minnesota ESST law.

SECTION 13.12A: EARNED SICK AND SAFE TIME (ESST) POLICY

The purpose of this policy is to provide employees with earned sick and safe paid leave to comply with Minnesota's "Earned Safe and Sick Time" (ESST) law, effective on January 1, 2025. The uses below are in addition to the uses allowed by the City of Minnetrista's Paid Time Off and Vacation policy.

ESST Eligible Uses. Employees may use available ESST hours as allowed under state law. The leave may be used as it is accrued in the smallest increment of time tracked by the City's payroll system (~~one~~ hour) for the following circumstances:

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1. An employee's own:
 - a. Mental or physical illness, injury, or other health condition
 - b. Need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition
 - c. Need for preventative medical or health care, or

- d. Need 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
2. Care of a family member:
 - a. With mental or physical illness, injury, or other condition
 - b. Who needs medical diagnosis, care or treatment of a mental or physical illness
 - c. Who needs preventative medical or health care
3. Absence due to domestic abuse, sexual assault or stalking of the employee or employee's family member, provided the absence is to:
 - a. Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - b. Obtain services from a victim services organization
 - c. Obtain psychological or other counseling
 - d. Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - e. 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
4. Closure of the employee's place of business 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 close ~~due~~ to weather or other public emergency
5. The employee's inability to work or telework because the employee is prohibited ~~from~~ working by the ~~City~~ due to health concern 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 or the ~~City~~ has requested a test or diagnosis
6. When it has been determined by health ~~authorities~~ ~~authorities~~ or a health care professional that the presence of the employee or family member in the community would jeopardize the health of others because of the exposure of the employee or family member of employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

~~7. An employee's own:~~

- ~~8. Mental or physical illness, injury, or other health conditions~~
- ~~9. Need for medical diagnosis, care, or treatment of a mental or physical illness injury or health condition~~
- ~~10. Need for preventative care~~
- ~~11. Closure of the employee's place of business due to weather or other public emergency~~
- ~~12. The employee's inability to work or telework because the employee is prohibited from working by the city 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 the employee has been exposed to a communicable disease or the city has requested a test or diagnosis.~~
- ~~13. Absence due to domestic abuse, sexual assault, or stalking of the employee, provided the absence is to:
 - ~~a. Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking~~
 - ~~b. Obtain services from a victim services organization~~~~

- ~~e.— Obtain psychological or other counseling~~
- ~~d.— Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking~~
- ~~e.— 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~~
- ~~f.— Need to plan for or attend a funeral or a memorial service for a family member, or the need to address financial or legal matters after the death of a family member.~~

Care of a family member:

- ~~1.— With mental or physical illness, injury, or other health condition~~
- ~~2.— Who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition~~
- ~~3.— Who needs preventative medical or health care~~
- ~~4.— Whose school or place of care has been closed due to weather or other public emergencies~~
- ~~5.— When it has been determined by a health authority or a health care professional that the presence of a family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease~~
- ~~6.— Absence due to domestic abuse, sexual assault, or stalking of the employee's family member, provided the absence is to:
 - ~~a.— Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking~~
 - ~~b.— Obtain services from a victim services organization~~
 - ~~c.— Obtain psychological or other counseling~~
 - ~~d.— Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking~~
 - ~~e.— 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~~~~

Family Members.

For ESST purposes, "family member" includes an employee:

- 1. Spouse or registered domestic partner
- 2. 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
- 3. Sibling, stepsibling, or foster sibling
- 4. Biological, adoptive, or foster parent, stepparent, or a person who stood in loco parentis when the employee was a minor child
- 5. Grandchild, foster grandchild, or step grandchild
- 6. Grandparent or step-grandparent
- 7. A child of a sibling of the employee
- 8. A sibling of the parent of the employee or
- 9. A child-in-law or sibling-in-law
- 10. Any of the above family members of a spouse or registered domestic partner
- 11. Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship

12. Up to one individual annually designated by the employee

Advance Notice for use of ESST. If the need for ESST is foreseeable, the City requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for ESST as ~~soon as practicable~~ reasonably required by the City. When an employee uses ESST for more than ~~three~~ two consecutive 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, or an employee cannot obtain documentation (e.g., court records) regarding the need for safety leave, 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.

Commented [MT4]: These are based on changes to the ESST law. You can leave it at 3 days if you wish.

Retaliation is prohibited. The City shall not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting ESST rights, requesting an ESST absence, or pursuing remedies. Further, the use of ESST will not be factored into any attendance 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 the ESST law.

The City will not require, as a condition of using ESST, an employee to find a replacement worker to cover the hours the employee uses as ESST. An employee may voluntarily seek or trade shifts with a replacement employee to cover their hours.

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Benefits and return to work protections. During an employee's use of ESST, the 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.

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An employee returning from time off using accrued ESST 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 ESST 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 ESST that had not been used will be reinstated. An employee is entitled to use and accrue ESST at the commencement of reemployment.

SECTION 143: EXTENDED ILLNESS BANK

For those non-union employees hired before January 1, 2023, sick leave balances as of that date will be converted on a one-for-one basis into an Extended Illness Bank.

Use of the Extended Illness Bank. Use of the Extended Illness Bank complies with the minimum standards and requirements of the Minnesota Earned Sick and Safe Time law, effective January 1, 2025.

Parameters for Requesting Extended Illness Bank. When an employee is required to use their Extended Illness Bank, the [City employer](#) may require reasonable documentation from an employee for the need for leave for illness or medical reasons, but if an employee cannot obtain documentation from a health care provider within a reasonable time or without added expense, the [City employer](#) must accept an employee's written statement about the need for leave.

Extended Illness Bank Upon Severance. Upon severance of employment, employees leaving in good standing with an extended illness bank will be compensated in accordance with their years of service and severance rates below:

Years of Service	Severance
0-5 Years	0
6-10 Years	25%
11-15 Years	30%
16-20 Years	40%
21 + Years	55%

Work-Related Injury. In the case of disability from a work-related disease or injury for which Worker's Compensation benefits are available, employees may elect to use their Extended Illness Bank rather than Worker's Compensation benefits by notifying the City Administrator of their election. Under no circumstances can an employee receive both Extended Illness Bank benefits and Worker's Compensation benefits for the same period of disability, except if the employee elects to receive Worker's Compensation benefits, they may also use Extended Illness Bank benefits to the extent necessary to increase their income to their net wage before the injury or onset of the disease.

Compensable Injury. 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 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 plan for a medical appointment.

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

An employee receiving Worker's Compensation payments for an injury may also be entitled to partially paid time off or an extended illness benefit. If an employee has accrued paid time off or extended illness bank hours, the City will pay the portion of the employee's regular pay that is not already paid by Worker's Compensation. During the period of disability, this payment will be deducted from the employee's account until it is exhausted. To receive payments described in this section, the employee must certify the amount of the Worker's Compensation payment to the City Administrator.

1. Medical Verification

The City reserves the right to require written medical certification from an employee when paid time off due to an illness or injury is used for more than three (3) days. In the case of an extended illness or injury, the City may require written medical verification so that an employee can perform the duties of employment before the employee is allowed to return to work.

2. Donation of Extended Illness Bank and Paid Time off Hours

Subject to case-by-case approval of the City Administrator, employees shall be allowed to donate a portion of their accumulated paid time off or extended bank hours annually to fellow employees who are ill or injured and have depleted their accumulated paid time off and extended illness bank. Employees requesting that paid time off or extended illness bank hours be donated to their account shall provide a written application to the City Administrator and shall detail the circumstances. Donated time shall be paid at the recipient's rate of pay and shall be deducted from the donor's appropriate account.

SECTION 154: FUNERAL LEAVE

Funeral Leave. A maximum of ten (10) days paid time off may be utilized when a death occurs in an employee's family, namely, husband, wife, partner, son, daughter, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, grandparent, or grandchild, provided the employee attends the funeral. Additional days may be allowed when travel is necessary, subject to the approval of the Department Head or City Administrator.

The Department Head or City Administrator may approve additional time.

SECTION 165: FAMILY AND MEDICAL LEAVE

Family Medical Leave Act-Employee and Employer Rights. The Family and Medical Leave Act of 1993 (FMLA) allows employees to take job-protected, unpaid leave for up to a total of 12 weeks in any 12 months for the following reasons:

1. The birth of the employee's child;
2. The placement of a child with the employee for adoption or foster care;
3. When the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition;
4. When the employee's own serious health condition makes the employee unable to perform the functions of his or her job.

FMLA Eligibility Requirements. To be eligible for FMLA leave, an employee must:

1. Have worked for the City for at least 12 months
2. Have worked at least 1,250 hours during the 12 months preceding the start of the leave.
3. Be employed at a workstation with 50 or more employees within 75 miles of that worksite.

Employees may obtain more information regarding the FMLA from the City Administrator and from the U.S. Department of Labor's website www.dol.gov

Minnesota Parental Leave Act (state law requirement for employers with one or more employees)

All employees are entitled to take unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Unpaid pregnancy and parenting leave for up to 12 weeks is available to 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 after the birth or adoption of a child. For leave related to the birth or adoption of a child, the leave must begin within twelve (12) 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 3 days. If the leave must be taken in less than three days, the employee should give as much notice as practicable. Time off to attend prenatal care appointments will not be counted against an employee's leave entitlement.

Employees are required to use accrued leave, paid time off, or extended illness hours during Pregnancy or Parenting Leave. If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently. The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act, but the employee will be responsible for the entire premium unless otherwise provided in this policy (i.e., where leave is also FMLA qualifying). For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave.

Effective July 1, 2023, 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.

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

Reasonable Unpaid Work Time for Nursing Mothers. Nursing mothers will be provided with reasonable, unpaid break time for nursing mothers to express milk for nursing her child for one year after the child's birth. The City will provide a clean, private, and secure room (other than a bathroom or toilet stall) 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.

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

Light Duty/Modified Duty Assignment. This policy is to establish guidelines for the temporary assignment of work to temporarily disabled employees who are medically unable to perform their regular work duties. Light duty is evaluated by the City Administrator 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 disability, they will notify the supervisor in writing as to the nature and extent of the disability 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 disability. The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the Ceity'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 Ceity may require a medical exam conducted by a physician selected by the Ceity to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the City Administrator whether to assign light-duty work to the employee.

If the Ceity offers a light-duty assignment to an employee who is out on workers' compensation leave, the employee may be subject to penalties if they refuse such work. The Ceity 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.

Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy.

The Ceity will attempt to provide a female employee who requests reasonable accommodation with the following for her health conditions related to her pregnancy or childbirth:

1. More frequent restroom, food, and water breaks;
2. Seating;
3. Limits on lifting over 20 pounds; and/or
4. Temporary transfer to a less strenuous or hazardous position, should one be available.

Unless such accommodations impose an undue hardship on the Ceity, the Ceity will engage in an interactive process with respect to an employee's request for a reasonable accommodation.

SECTION 17: MINNESOTA PAID LEAVE

The Ceity provides time off to eligible employees who qualify for Minnesota Paid Leave (MNPL) benefits under Minnesota law. The Ceity of Minnetrista is a participant in the State of Minnesota's Paid Leave program ("MNPL"). MNPL benefits are funded through premium contributions payable to the State of Minnesota. The premium cost will be split between the Ceity and employee as follows: The City of Minnetrista will pay 50% of the required premium and employees will pay 50% of the premium costs through payroll deductions starting January 1, 2026.

Eligibility. Eligibility determinations for MNPL benefits are made by the State of Minnesota. Generally, to be eligible for MNPL, employees must:

1. Work at least 50% of the time from a location in Minnesota, including employees who work from home or spend time in other states occasionally.

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2. Meet the financial eligibility requirements by having earned over a specific amount of wages as defined by under Minnesota law at the time of their requested time off.

Benefit Amount. An employee's weekly MNPL benefits are calculated and determined by the Minnesota Department of Employment and Economic Development (DEED).

Leave Entitlement and Usage. The State of Minnesota may approve MNPL leave for the following conditions in a benefit year:

1. Up to 12 weeks of medical leave (for the employee) to take care of themselves for a serious health condition, including pregnancy, childbirth, recovery, or surgery
2. Up to 12 weeks of family leave to:
 - a. Bond with a child through birth, adoption, or foster placement
 - b. Care for a family member with a serious health condition
 - c. Support military family member called to active duty
 - d. Receive covered types of care for themselves or a family member because of domestic abuse, sexual assault, or stalking

An employee can take both types of leave in the same year, but an employee cannot exceed 20 weeks total within a single benefit year.

For example, an employee may be entitled to 12 weeks of family leave to bond with a child and another 8 weeks of medical leave for their serious health condition.

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Employee benefit starts the first day they take Paid Leave. There is no waiting period for MN-PL if the employee is granted the benefit.

MNPL Intermittent Leave. Employees may apply for intermittent leave in most cases, provided the leave is reasonable and appropriate to the needs of the individual requiring care.

1. Eligibility

In addition to the other eligibility requirements under the MN Paid Leave law, employees seeking intermittent leave must have at least eight hours of accumulated leave (unless more than 30 days have lapsed since taking the initial leave).

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2. Notice

In situations where employees seek MNPL on an intermittent basis, employees must make a reasonable effort to provide written notice to the Assistant City Administrator of the need for intermittent leave before applying for MNPL benefits through the State program. As part of the notice, employees must provide the City with the following:

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- Proposed intermittent leave schedule; and
- A completed certification from a health care provider identifying the leave as necessary and a reasonable estimate of the frequency and duration, and treatment schedule for the leave.

3. Increments of Leave and Maximum Number of Hours

Consistent with other forms of leave provided by the City, employees may take intermittent leave in increments of one calendar day. If eligible for intermittent leave, the City allows a maximum of 480 hours of intermittent leave in any 12-month period. After reaching the

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maximum amount of allowed intermittent leave, employees may request continuous MNPL provided the continuous leave does not exceed the maximum amount of MNPL allowed by law.

Definitions

Family member. A family member includes:

1. Spouse or partner
2. Child (including biological, adopted, step, or foster children, or a child the employee raised, even if not legally related)
3. Parent or person who raised the employee
4. Sibling
5. Grandchild or grandparent
6. In-laws (including son, daughter, father, or mother)
7. Anyone close to employee who depends on the employee like family, even if not related by blood

Serious Health Condition. A physical or mental illness, injury, impairment, condition, or substance use disorder. Taking care of yourself for this serious condition may involve evaluation, treatment, inpatient care, recovery, or not being able to perform regular work, attend school, or do regular daily activities. This includes childbirth, conditions related to pregnancy, or surgery.

Notice of Leave. Prior to starting a claim with the State, employees should reach out to their supervisor and the Assistant City Administrator to notify them of their intention to take leave. If the need is foreseeable, the City requests a two-week notice before taking leave. If the leave is not foreseeable, the employee will still be able to take leave under MNPL, and we ask that the employee provide as much notice as possible.

How to Apply for Minnesota Paid Leave. After the employee's leave has been discussed, employees need to apply for MNPL through the State of Minnesota's Paid Leave portal: <https://paidleave.mn.gov/>. The City of Minnetrista does not apply for the employee.

Interaction with Other Laws and Benefits. MNPL will run concurrently with any leave and/or wage supplement for which the employee may be eligible under local, state, or federal law, which may include Family and Medical Leave Act (FMLA).

The City offers a short-term disability (STD) policy that may run concurrently and require its own filing requirement pursuant to the terms of the STD policy. Please see the policy for more information. STD payments may be reduced, pursuant to the terms of the STD policy, as a result of receiving state-paid benefits.

Supplementing MNPL Benefits with Accrued Paid Leave. If the employee is receiving MNPL benefits, the City allows the employee to supplement their MNPL benefits with any accrued but unused paid leave. If the employee chooses to supplement their MNPL benefits this way, the combined weekly sum of MNPL benefits and City-provided paid leave benefits cannot exceed the employee's Individual Average Weekly Wage (IAWW). For more information, contact the Assistant City Administrator.

Maintaining Health Coverage During Leave. Unless the employee revokes coverage while on MNPL, the City will continue to provide group health insurance coverage for an employee on MNPL under the

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same conditions as the coverage was provided before the employee took Leave. Employees must continue to make timely payments of their share of the premiums for such coverage. If the employee is not using paid time off to cover part or all of the leave, the employee will be responsible for remitting their portion of health care premiums to the City in order to ensure continuation of benefits.

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, the date of coverage will end if payment is not received.

An employee's share of premium payments for their group health insurance coverage may, at the employee's option, be:

1. Prepaid at or before the start of the leave, in which the employee's health deductions may be modified to accept the agreed-upon amounts and cadence of premium deductions
2. Arrange to write a check every two weeks for the duration that the employee may be out
3. Be postpaid after the leave has ended, in which the employee's health deductions may be modified to accept the agreed-upon amounts and cadence of premium deductions.

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

Reinstatement. Upon return from covered MNPL, employees will be reinstated to their previous position or to an equivalent position, with the same status, pay, employment benefits, length-of-service credit, and seniority credit as of the date of leave, if the employee has worked for the City for a minimum of 90 calendar days.

Upon return to work, if it becomes evident that the employee is unable to perform the key essential functions of their position (with or without reasonable accommodation), the City may engage in an interactive process, consistent with the Americans with Disabilities Act (ADA) and/or Minnesota Human Rights Act (MHRA) and other applicable workplace policies, including workplace safety protocols, to determine appropriate next steps.

Retaliation. The City will not interfere or retaliate against employees who request or take leave in accordance with the MN Paid Leave law.

SECTION 187: LEAVE OF ABSENCE WITHOUT PAY

Upon formal written request of an employee, a leave of absence without pay may be granted by the City Administrator, taking into consideration: good conduct, length of service, efficiency of the employee, and the general good of the municipal service. Leaves of absence without pay may only be requested after accrued paid time off hours have been exhausted

Regular Leave Without Pay. The City Administrator may authorize leave without pay for up to thirty (30) days. Leave without pay for greater periods may be granted by the City Council.

Normally, employee benefits will not be earned by an employee while on leave without pay. However, the City's contribution toward health, dental, and life insurance may continue, if approved by the City

Council, for leaves of up to ninety (90) days when the leave is for medical reasons and FMLA has been exhausted.

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

Leave without pay will not count toward seniority, and all accrued paid time off and compensatory time must normally be used before an unpaid leave of absence will be approved.

Leave without pay for purposes other than medical leave or work-related injuries will be at the discretion of the [City](#).

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

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

The Family and Medical Leave Act (29 CFR Part 825) 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:

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

~~Given the employee eligibility requirements, even though all cities are covered by the FMLA, only employees in cities with more than 50 employees have the potential to qualify for FMLA-protected leave. Thus, only cities with 50 or more employees generally include an FMLA policy in their personnel policies.~~

SECTION 198: MILITARY LEAVE

Paid Leave. Pursuant to Minnesota Statutes Section 192.26, employees who are members of the National Guard, or any other branch of the state militia or the officers' reserve corps, the enlisted reserve corps, the Naval Reserve, the Marine Corps reserve, or any other reserve branch of the military or naval forces of the United States are entitled to a paid leave of absence of up to fifteen (15) days calendar year for training or active service authorized by the proper authority. The employee shall not

lose pay, seniority, paid time off, or any other benefits during the leave of absence. The leave will not be allowed if the employee does not return to work immediately upon being relieved from service, unless the employee is prevented from returning by physical or mental disability or other cause not the employee's fault, or is required by the proper authority to continue in service beyond the 15-day leave period. Where possible, notice is to be provided to the [City](#) at least ten (10) working days in advance of the requested leave.

Unpaid Leave. Pursuant to Minnesota Statutes Section 192.261, an employee who engages in active service in any of the military or naval forces of the state or the United States for which leave is not otherwise allowed by law is entitled to an unpaid leave of absence, with rights of reinstatement as provided by state and federal law. Such rights include, but are not limited to, the right to return to the same job or to a position with like seniority, status and pay if such a position is available at the same salary that the employee would have received if the leave had not been taken. Reinstatement is subject to the following conditions: 1) the position has not been abolished or its term has not expired; 2) the employee is not physically or mentally disabled from performing the duties of the position; 3) the employee applies for reinstatement within 90 days after termination of military service or within 90 days after discharge from hospitalization or medical treatment resulting from military service, provided that such application is within one year and 90 days after termination of military service; 4) the employee submits an honorable discharge or other form of certification that the employee's military service was satisfactory.

Rights of Others. An employee promoted or hired to fill a vacancy created by a person being on military leave may be appointed to the position, subject to the return of the employee on military leave. Upon the return of the employee on military leave, a promoted employee may be restored to the employee's original position or an equivalent position. A replacement employee may be subject to layoffs if no other position is available.

SECTION 2019: SCHOOL ACTIVITY / SCHOOL CONFERENCE LEAVE

As prescribed by Minnesota Statutes [Section 181.9412](#), any employee will be granted up to a total of 16 hours during any 12 months to attend school conferences or school-related activities related to the employee's child, provided the conferences or activities cannot be scheduled during non-work hours. An employee may substitute accrued paid time off, compensatory time, or administrative time, or take unpaid time for leave under this section.

SECTION 210: BONE MARROW / ORGAN DONATION LEAVE

Employees working an average of 20 hours per week may take paid leave not to exceed 40 hours, unless agreed to by the City Administrator, for bone marrow donation. The [City](#) may require verification from a physician of the purpose and length of each leave requested by an employee for bone marrow donation.

Employees working an average of 20 hours per week may take paid leave not to exceed 40 hours, unless agreed to by the City Administrator for organ donation. The [City](#) may require verification from a physician of the purpose and length of each leave requested by an employee for organ donation.

Effective July 1, 2023, the City 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 212: VOTING AND ELECTION JUDGE LEAVE

City employees who are eligible to vote and who are scheduled to work 8 hours during poll hours on a federal or state Election Day will be allowed to take sufficient time off from work to vote. Employees who plan to take time off to vote should request the time off at least 2 days in advance, so that staffing and work plans can be arranged to accommodate the lost hours. To limit the disruption of work crews, the [City](#) requests that employees who take voting leave either report to work one-half hour late or leave work one-half hour early.

If an employee wishes to take time off from work to serve as an election judge (as defined by state statute) in another city or township, he or she must notify his or her supervisor at least 10 days in advance and provide certification from the appointing authority. The employee will receive full, regular City pay for that day. Management may need to limit the number of employees serving as election judges to maintain adequate coverage.

If an employee serves as an election judge with the [City of Minnetrista](#), he or she will receive regular City pay in lieu of election judge pay during the employee's regular work hours. The employee will receive election judge pay for hours served as an election judge outside of regular work hours. City staff may be assigned to assist with various election duties as part of their job assignments. In no case will an employee receive both City pay and election pay from the [City of Minnetrista](#) for the same hours worked.

Effective July 1, 2023, employees may be absent from work for the time necessary to vote, including being absent during the time allowed for voting in person before election day.

SECTION 232: JURY OR WITNESS DUTY:

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

The employee will be responsible for ensuring that a report of time spent on jury duty and pay form is completed by the court clerk so the [City](#) will be able to determine the amount of compensation due for the period involved.

An employee who is called for jury duty shall report for work at any time that the court does not require their presence during the time of their jury responsibility. Employees called for jury duty should notify their Department Head immediately and work with the Payroll and Billing Clerk to coordinate payroll. While serving on a jury, employees enjoy all employee benefits.

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.

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

Victim or Witness Leave. An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, or is the spouse or immediate family member (immediate family member includes parent, spouse, child or sibling of the employee) of such victim, reasonable time off from work to attend criminal proceedings related to the victim's case. The City may require advanced notice and require the employee to verify the need for this type of leave.

SECTION 243: SHORT-TERM AND LONG-TERM DISABILITY COVERAGE:

The City shall provide short-term and long-term disability coverage at no cost to regular full-time employees through the City's insurance carrier. In the event of a claim, the employee shall notify the City Administrator, and the City Administrator shall coordinate with the employee to submit a short-term disability claim form to the insurance carrier on behalf of the employee. Thereafter, the insurance carrier shall be solely responsible for any disability determination or decision and payment. The employee will be notified in writing directly by the insurance carrier of the status of the claim. The insurance carrier may require information from an employee's physician to determine the status of the claim. The employee is responsible for providing all information to the City and/or insurance carrier required to process the employee's claim. Short-term disability benefits will run concurrently with FMLA leave, if applicable, and will be in conjunction with the disability period certified by the employee's doctor.

During an absence due to disability, the employee will be charged paid time off or extended illness hours (if applicable) for any time missed from work to receive full wages. In the event all available paid time off has been used, then other paid leaves must be used to receive full wages.

If the disability is approved and a payment check is issued by the insurance carrier for the time period covered by the check, the employee has the option of:

1. Requesting paid time off (or other applicable paid leave accounts) to supplement the disability benefit check. The amount of supplemental pay when added to the disability benefit check shall provide the employee with no more than 100% of the employee's regular wages. An employee shall earn prorated paid time off benefits while on supplemented disability leave; or
2. Receiving only the disability check and no wages shall be paid by the City for the dates covered. An employee shall earn no leave benefits while on unpaid (by the City) disability leave.

The disability benefit, plus other sources of income, such as City of Minnetrista payroll, Social Security, Worker's Compensation, and PERA, cannot exceed 100% of the employee's monthly income. The employee must apply for these other benefits, and, if eligible, the disability benefit under the City plan will be reduced so that the benefit does not exceed the 100% maximum.

SECTION 245: HOLIDAYS

The following calendar days shall be recognized and observed as paid legal holidays. All Offices, except the Police Department, will be closed on these days:

Holiday	Date
New Year's Day	January 1
Martin Luther King Jr Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veterans' Day	November 11
Thanksgiving	Fourth Thursday in November
Friday after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25

Regular full-time employees shall receive one (1) day's pay for each holiday. Regular part-time employees shall receive holiday pay pro-rated by their normal percentage of full-time employment. City Council in December 2018 approved combining two half-day holidays (Christmas Eve and New Year's Eve) into one full-day holiday, to be observed on Christmas Eve (December 24th), and eliminated any holiday time associated with New Year's Eve (December 31st).

Holiday Work. In the instance of a nonunion non-exempt employee, any time worked on a holiday shall be subject to the provisions of the section titled "Overtime". Union employees should refer to their applicable contracts.

Observance. Whenever any of the holidays listed above falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever any of the holidays listed above falls on a Sunday, the succeeding Monday shall be observed as the holiday.

SECTION 265: INCLEMENT WEATHER

Severe Weather. Should snow or severe weather require the closure of City offices, the City Administrator will determine to close the offices. The City Administrator will contact the Department Heads, and the Department Heads will report to their employees. Employees may use paid time off during the closure or take this time off unpaid.

If City offices are open and the employee is unable to report to work due to the hazards of weather, the employee will need to utilize paid time off or leave without pay.

Emergencies. Employees are required to advise the Public Safety Department of any possible or potential threat made against the City, an employee, or any City property. The Public Safety Department will

Commented [MT7]: The ESST law was changed last year related to certain employees (police; fire; CDL holders) being required to report to work during weather events (the "weather exception") Employers who want to take advantage of that must have it in their written policies and/or applicable CBAs. If this is already covered in your union contracts, you don't need to put it in this policy document unless there are non-union employees subject to the weather exception. I can suggest language if that is the case.

investigate and/or respond to emergencies within the [City](#). Employees should ask their Department Head for directions if they are concerned about their welfare. Emergencies may include but are not limited to: natural and manmade disasters, security and safety threats, and weather-related situations.

Employees may be ordered to seek shelter, evacuate, or take other action during an emergency. If the potential for evacuation or seeking shelter exists, employees shall back up any open items on their computers and gather personal belongings to their workstations in case they are ordered to a safe location.

Shelter areas are marked in the City Hall. Every employee is responsible for knowing where shelter areas are in City Hall. If evacuation of the building is recommended, employees will be advised where to relocate.

The Director of Public Safety or designee is in charge during all emergencies. The Director may find it necessary to activate the [City's](#) Emergency Operation Plan. If the Emergency Operation Plan is activated, staff will be advised of their task assignments.

SECTION 267: HEALTH, DENTAL, LIFE INSURANCE BENEFITS

The City makes a competitive monthly contribution toward group health, dental, and life insurance benefits. Employees are encouraged to look closely at this contribution as part of their overall compensation package with the [City](#).

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

Provider. The City of Minnetrista provides a medical and dental plan.

Cafeteria Plan. The City provides a group health and life insurance program for its employees. The program recognizes that all employees have unique insurance needs and allows them to design individualized benefits to meet these needs. For that reason, it is commonly termed a "cafeteria" benefit plan. All regular full and part-time employees, upon completion of forms, for group coverage as of their initial date of employment.

Employer Contributions. The City participates in the cost of the group coverage by paying the premium amount for "core" individual health and life insurance benefits, which full-time employees are required to carry. The benefits of this coverage are described in individual policies available from the Benefits Administrator. In addition, the [City](#) provides each employee with a contribution towards optional benefits to be selected by the employee. The amount of this contribution depends on whether the employee elects individual or family insurance coverage. The amounts of the family and individual contributions may vary each year, but shall be at least the same as those provided by the union contract with which the employee is most closely associated. Insurance contributions for part-time employees who elect coverage are provided on a pro-rated basis. For current amounts, please contact the Benefits Administrator.

Leave and Benefits. Any employee on unpaid leave of absence shall be responsible for paying premiums for their employee coverage. The City Administrator will determine the payment option in such an

instance on a case-by-case basis. The employee shall contribute the difference in benefits after the employer's contribution is applied.

Benefit Options. Available insurance benefits include a higher health insurance deductible, supplemental life insurance, long-term disability insurance, and dental insurance. Employees must either elect dental coverage through the City's plan or show proof of coverage through another carrier. Benefits are available for either individual or family coverage

Unpaid Continuation of Coverage After Employment. Provisions permitting continued insurance coverage at a former employee's expense, including Minnesota state continuation and COBRA, would be administered in compliance with current rules and regulations. See the Benefits Administrator for more information.

SECTION 287: EMPLOYEE ASSISTANCE

The City of Minnetrista recognizes that its employees are its greatest resource and its greatest expense. Personal problems on or off the job can have an adverse effect on an employee's job performance. The employee assistance plan provides a confidential outside resource to assist in resolving such issues. It is designed to deal with a broad range of human problems, including alcohol and chemical abuse, emotional/behavioral disorders, family and marital conflicts, and financial, legal, and other personal problems.

Sunlife's Business Class EAP includes three face-to-face visits with experienced clinicians per employee per occurrence, confidential emotional support, work-life solutions, and other services. Staff believe implementing this program will address personal life challenges employees may have and improve workplace productivity, performance, and culture.

To use the program, employees simply need to call 1-877-595-5281.

This number serves as a 7-day per week, 24-hour per day crisis line for emergencies. It can also be used to schedule a confidential, local appointment with a professional counselor. Voluntary participation in the program will not jeopardize an employee's job status.

Unemployment Compensation and Workers' Compensation. Employees are eligible for unemployment compensation as outlined in Minnesota Statutes Chapter 268 and workers' compensation as outlined in Minnesota Statutes Chapter 176. Further information is available from the City Administrator's Office.

SECTION 289: EMPLOYEE EDUCATION AND TRAINING

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

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

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

CLE or similar courses taken by an employee 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.

Job-Related Meetings. Attendance at professional meetings costing \$ 500 or less and directly related to the performance of the employee's work responsibilities does not require the approval of the City Administrator. Advance supervisor's approval is required to ensure adequate department coverage.

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

Requests totaling more than \$500 must be approved by the employee's supervisor and the City Administrator. Documentation approving conference or training attendance will be provided to the employee, with a copy placed in the employee's personnel file.

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

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

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

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

Memberships and Dues. The purpose of membership in 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, funds are available.

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

SECTION 3029: EXPENSES

Mileage. The City will reimburse travel for City business in an employee's private automobile at a rate consistent with the Internal Revenue Code allowance, the current per diem rate per mile, to be adjusted automatically with IRS guidelines. However, employees' use of a personal vehicle requires the Department Head's approval. If a City vehicle is available, employees using their personal vehicle for work-related travel will be reimbursed at 75% of the prevailing Internal Revenue Code allowance.

When the City of Minnetrista reimburses an employee using a fixed and variable rate (FAVR) allowance, the allowance includes a combination of payments covering fixed and variable costs, such as an employee's variable operating costs (gas, oil, etc.) plus a flat amount to cover employees' fixed costs (such as depreciation, insurance, registration and license fees, etc.). The standard mileage rate determined by the IRS is based on an annual study of the fixed and variable costs of operating an automobile. Mileage reimbursement is meant to pay a proportion of insurance costs, not all insurance costs. Therefore, if the employee's car is damaged while traveling on City business, their mileage reimbursement covers a portion of their insurance on their vehicle, and the employee is entitled to the same coverage as if they would be driving their own car for personal reasons.

If an employee is injured because of an accident in their vehicle while doing City business, however, workers' compensation covers the cost of the expenses associated with the injury.

Travel. For travel on City business (that requires an overnight stay), an employee must secure the advanced permission of the City Administrator. Prior to traveling, employees must fill out a Travel and Reimbursement Approval Form and submit it to the Department Head or designee for approval. Employees are eligible for reimbursement for reasonable expenses such as mileage, meals, lodging, etc. A budget before travel and an actual expense report will be documented on the Travel and Reimbursement Approval Form. To be reimbursed, an employee must submit ALL appropriate receipts and receive approval from the Department Head or designee.

Meals. Expenses for meals when an employee is on official business outside of the City will be reimbursable at actual cost, provided expenses fall at or below the following meal expenses guide:

- Breakfast: \$11.00
- Lunch: \$15.00
- Dinner: \$21.00

Gratuity of up to 15% is reimbursable under this policy. Receipts are required for all reimbursement requests.

The following are NOT reimbursable as part of a meal expense:

1. Wine, beer, or liquor;

2. Non-mealtime snacks, coffees, sodas, etc.;
3. Any meal expense that is incurred when the meal is provided at the conference or business meeting.

Meal costs within the City are only reimbursable when the meal is a part of a meeting:

1. Between governmental bodies, or
2. Of a council, commission, or organization involving official meetings with staff representation.

Lodging. Lodging expenses, when an employee is on official business or at an authorized conference, will be reimbursable at actual cost. The employee is required to submit receipts.

Mandatory Education. When employees are required to attend classes to meet educational requirements necessary to maintain their position, the City will reimburse the costs of books and tuition.

Elected Education Tuition Reimbursement. Employees are encouraged to continue their education to improve their skills and knowledge. To promote this goal, the City will reimburse employees on a case-by-case basis for tuition up to \$2500 annually, provided that the expenses have been budgeted for and only after all of the following conditions are met:

1. The employee is a regular, full-time employee in good standing, and the employee has been employed for at least a year;
2. Tuition payment or reimbursement is approved by the employee's Department Head and City Administrator;
3. The course is directly related to the employee's current job or to a position to which the employee could be promoted or deemed beneficial to the employee's performance;
4. Coursework is completed in a manner that does not conflict with the established work schedule;
5. Courses are offered by an institution approved by the Department Head or City Administrator; and
6. Proof of successful completion of the course is provided upon its conclusion. (A passing grade of "C" or equivalent constitutes successful completion. Where grades are not provided, the employee and Department Head shall agree upon a standard to measure completion.)

If an employee terminates service with the City less than one year after receiving the tuition reimbursement, the employee is required to pay back 100% of the monies received.

Reimbursing Personal Expenses to the City

Employees should, wherever possible, pay for personal expenses with their own resources. However, within narrow limits, City accounts may be used to temporarily pay for the personal expenses needed, provided these are promptly repaid. These situations include:

1. Incidental personal expenses charged along with City expenses. i.e.,
 - a. tips
 - b. beverages accompanying meals
 - c. personal phone calls
 - d. accompanying lodging expenses.
2. Personal calls and faxes made on City phone equipment
3. Extra lodging costs for guests accompanying the employee on business requiring an overnight stay.

These situations should be absolutely minimized, and reimbursement must be made to the [City](#) within one month of incurring the cost. Employees who must reimburse the [City](#) for personal expenses should fill out the "Reimbursement To The City For Personal Expenses Form". Inappropriate use or abuse of this policy may warrant disciplinary action. This privilege may be revoked at any time, per the employee's Department Head's discretion.

SECTION 310: PURCHASING

If an employee requires the purchase of goods and services for unbudgeted items, a request should be made to their Department Head. The purchase order or invoice will be submitted to the Finance Department with all appropriate receipts. The Finance Officer will authorize payment and issue a check to the vendor once the City Council has approved the claims. Should prior approval be required for the purchase, the City Administrator may also approve the purchase. Except in emergencies or those authorized by the City Administrator, checks are issued twice per month. This is good information [for employees](#) to share with vendors [in order](#) for them to understand when they can expect payment.

Authorization of Expenditures. Department Heads shall obtain advance approval from the City Council for all purchases exceeding \$10,000 if not previously approved in the budget. The City Administrator or the Mayor may authorize emergency expenditures exceeding this amount if required before the next available Council Meeting date. Except for professional services, goods and services exceeding \$175,000 require a formal bid process and award of the bid by the City Council. Professional services require a contractual agreement and approval by the City Council.

SECTION 342: VEHICLES

City-Owned Vehicles. Many Department Heads and other employees are required to drive in the course of their job responsibilities. Some, such as the Director of Public Safety, are assigned vehicles that remain in their possession. City vehicles are available for the use of other employees, who use them whenever possible to avoid personal mileage expense. In all cases, [City-owned](#) vehicles are to be used for official City business only. Arrangements to utilize City vehicles must be made through the Administration Department.

Traveling in City-Owned and Personal Vehicles. Whenever possible, employees shall use City-owned vehicles for work-related travel.

If a [City](#) vehicle is not available, the employee may use his or her personal vehicle. If the employee uses his or her personal vehicle, she or he is eligible for mileage reimbursement.

SECTION 323: RESIGNATION

Employees wishing to resign in good standing shall give written notice to their Department Head not less than two (2) weeks before such date that the resignation shall become effective. Department Heads

shall give three (3) weeks' minimum notice of resignation to the City Administrator and City Council. Employees may be required to participate in an exit interview. Failure to comply may be considered a cause for denying future employment.

Regular employees who terminate employment while in good standing will be eligible for severance pay. To be considered in good standing, an employee must give notice within the required period, must have a cumulative rating of "meets job requirements" on their most recent performance evaluation, and no disciplinary matters shall be unresolved or in effect at the time of resignation. Unauthorized absences from work for a period of three 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 may be considered cause for denying future employment.

Commented [MT8]: You may want to consider adding a definition for "severance pay" so this isn't confused with severance related to a settlement after separation. I think you are referring to payout of accrued leave for employees leaving in good standing.

SECTION 334: RETIREMENT

An employee shall be eligible for retirement when they meet the minimum requirements in effect for their PERA program.

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 to 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 the Assistant City Administrator.

The Minnesota State Legislature passed a law in 1931 to establish the Public Employees Retirement Association (PERA) as a retirement system for public employees. All qualified employees automatically become members of PERA when hired. Temporary, seasonal, and intern positions may not be eligible for PERA. Eligibility is determined on a case-by-case basis and is generally dependent on length of service and earnings. All PERA members belong to one of three different funds: the Coordinated Fund, the Police and Fire Fund, or the Basic Fund (closed to new members as of 1968).

Federal and State taxes on PERA contributions are deferred until the time of withdrawal. Because PERA is considered a tax-qualified plan under Section 414(h) of the Internal Revenue Code, there may be limits on how much employees may contribute to an IRA. Additional information regarding PERA will be sent directly to new employees.

Notice. Employees wishing to retire in good standing shall give written notice to their Department Head not less than two (2) weeks before such date that the retirement shall become effective. Department Heads shall give three (3) weeks' minimum notice of retirement to the City Administrator and City Council. Employees may be required to participate in an exit interview. Failure to comply may be considered a cause for denying future employment.

Regular employees who terminate employment while in good standing will be eligible for severance pay. To be considered in good standing, an employee must give notice of the required period, must have a cumulative rating of "meets job requirements" on their most recent performance evaluation, and no disciplinary matters shall be unresolved or in effect at the time of retirement.

Commented [MT9]: Same comment as above regarding "severance pay" definition.

[See Section 39 of this Personnel Policy for more information regarding retiring employee recognition.](#)

SECTION 345: LAYOFFS

The City Administrator will make decisions about layoffs based on the City's needs. The City Administrator will submit a list of employees to be laid off to the City Council for final approval.

SECTION 356: DISCIPLINE

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 Minnetrista. 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.

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

Progressive Discipline. Discipline against any employee may be progressive, 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. However, the City reserves the right to take any disciplinary action, including immediate termination, that it deems appropriate under the circumstances.

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:

Verbal Reprimand. This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors can issue verbal reprimands without prior approval.

Verbal reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change

must be. The supervisor will document the verbal reprimand, including date(s) and a summary of the discussion and corrective action needed.

Written Reprimand. A written reprimand is more serious and may follow a verbal reprimand when the problem is not corrected or the behavior has not consistently improved in a reasonable period.

Serious infractions may require skipping either the verbal or written reprimand, or both. Written reprimands are issued by the supervisor with prior approval from the City Administrator.

A written reprimand will state the following:

1. That he or she is being warned for misconduct;
2. A description of the misconduct;
3. Identify the policy, directive or performance expectation that was not followed;
4. A description of past actions, if any, taken by the Department Head to correct the problem;
5. An urge for prompt correction or improvement by the employee;
6. A timetable and performance goals for the employee;
7. An outline of future penalties should the problem continue.

The employee shall be given a copy of the reprimand and sign the original reprimand acknowledging that he or she has received the reprimand. The signature does not mean that he or she agrees with the reprimand. The reprimand will then be placed in the employee's personnel file.

Suspension With and Without Pay. Employees may be suspended with or without pay. Before the suspension or as soon as possible thereafter, the employee shall be notified in writing of the reason for the suspension and its length. Suspension without pay can be designated for any amount of time, not to exceed two (2) weeks. Suspension without pay may be followed by immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans who have completed a year of employment will not be suspended without pay in conjunction with a termination. Upon the employee's return to work after a suspension, he or she shall be given a written statement outlining further disciplinary actions should the misconduct continue. An employee may be suspended without pay pending investigation of an allegation. A copy of each written statement shall be placed in the employee's personnel file, but if the suspension is under investigation and the allegation proves false, that statement shall be removed, and the employee will receive compensation to which he or she would have been entitled had the suspension not taken place.

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

Dismissal. The City Administrator, or designee, may, with City Council approval, dismiss any employee after the employee is given notice. The notice shall contain:

1. Reasons for the dismissal;
2. The employee's rights under these rules and the veteran's preference law, if it applies;
3. A statement indicating that the employee may respond to the charges both verbally and in writing and that he or she may appeal the decision to the City Council.

The notice of termination does not change the at-will status of the employee. An employee may be dismissed by the City Administrator at any time, for any reason, without notice within the first year of employment.

Other Disciplinary Actions. At the City Administrator's discretion, the following disciplinary actions may also occur at any time, with prior notice to the employee. This notice will be included in the employee's personnel file.

1. Involuntary Demotion-This step shall be taken if the employee cannot function at a higher level.
2. Forced Transfer-The employee may be transferred to a comparable position under a different Department Head.
3. Withholding a salary increase or decreasing the employee's salary- In no case shall an employee's salary be decreased below the minimum of the salary range of the class.

The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

Hearing. In the case of a suspension, demotion, or dismissal, the employee shall be granted a hearing before the City Council if the employee submits a written request for a hearing to the City Administrator within five (5) working days of notification of the action. The hearing shall be held within ten (10) working days of the date the request is received by the City Administrator, unless the City and employee agree on a later date. The City Council will decide whether to uphold the discipline. Subject to any applicable state laws, the City Council's decision is final.

Section 367: GRIEVANCE PROCEDURE

Process. 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 the exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

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 based on 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 against either party.

The following actions are not grievable:

1. 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.
2. Pay increases or lack thereof; and
3. Merit pay awards.
4. The above list is not meant to be all-inclusive or exhaustive.

SECTION 378: PERFORMANCE REVIEWS

Purpose of Performance Reviews. Performance reviews are aimed at engaging in a discussion regarding employee development. 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 employees. 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 regularly, at least annually. The form, with all required signatures, will be retained as part of the employee's personnel file.

During the training 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 with the opportunity to discuss what is expected, what is going well, and not so well.

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

The performance review may include any or all of the following components:

1. Review of the employee's job description
2. Accomplishments and general assessment of the past performance period
3. Suggestions for improvement changes based on these accomplishments
4. Performance goals for the next performance period
5. Adherence to City mission, policies, and practices
6. Department Head comments
7. Employee comments and questions
8. Discussion of employee and Department Head expectations

Timing of Performance Reviews. Department Heads can perform as many performance reviews on employees as they deem necessary to develop staff. However, regardless of the status of the employee, all Department Heads must perform a performance evaluation annually. (This means that all exempt and non-exempt full and part-time, temporary and seasonal employees shall undergo a performance evaluation each December.

Preparing for Performance Evaluation. Sometimes employees feel uncomfortable about the knowledge of an upcoming performance evaluation. Employees are encouraged to do the following things to prepare for these discussions

1. Review their job description
2. Write down questions or concerns about their performance or their position
3. Write down some goals employees would like to accomplish over the next year

Acknowledgement of Performance Evaluation. The eEmployee's performance evaluation will be included in their personnel file. Once the evaluation is administered by their Department Head, they should review the evaluation. Oftentimes, Department Heads will even leave the room to allow for the employee's written comments. Employees are required to sign their performance evaluations. An employee's signature does not mean that they necessarily agree with the evaluation; it only acknowledges that they have been informed of their performance. Each employee must then return their evaluation to their Department Head so that it may be turned into the administration department and filed in their personnel file. Each employee may retain a copy of their performance evaluation for themselves.

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SECTION 38: EMPLOYEE RECOGNITION

▲ The objectives of the Employee Recognition program are:

1. Increase morale and employee motivation
2. Encourage loyalty and long-term retention of employees
3. Celebrate the accomplishments and service of retiring employees, to demonstrate the appreciation of the City Council, employees and citizens of the City of Minnetrista for the public service provided by all Minnetrista employees

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Employees eligible for recognition under this policy are regular full and part-time Ceity employees. Seasonal employees are not eligible.

Service Anniversary Awards. Employees will be presented with a certificate recognizing their years of service upon completion of five years of service and every five years thereafter. This certificate will be signed by the Mayor and the City Administrator and/or department head and any other supervisors designated by the department.

1. The City Administrator is ~~directed~~authorized to purchase suitable gift cards for this purpose in the amount offer approximately \$100.
2. The Mayor will present the award at a City Council meeting on a date as close as practical to the service anniversary date.

Commented [MT10]: Changed for consistency with the Employee Recognition policy adopted by Council. That uses the word "authorized" rather than "directed".

Retirement Recognition. Employees who are retiring from service that have been employed at the City of Minnetrista for 10 years or more shall receive a gift commemorating their retirement in the following increments:

Commented [MT11]: The Council policy does not reference "10 years" - just FYI.

<u>Years of Service</u>	<u>Gift Amount</u>
<u>10-14 Years</u>	<u>\$300</u>
<u>15+ Years</u>	<u>\$500</u>

The City will hold a retirement reception honoring the retiree. The City will contribute not more than \$500 to the cost of refreshments, venue costs, or light snacks for the reception, which will be held either in conjunction with the presentation of the award at a City Council meeting, or at another date and time to be determined upon consultation with the employee.

Should an employee choose not to participate in a retirement reception, no compensation will be paid to the employee in place of the City contribution to the reception.

Retirement, for this policy, will be defined as meeting the qualifications for retirement under the rules of the Minnesota Public Employee Retirement Association (PERA)

Other Recognition Programs:

1. The City may provide memorials, flowers, or other hospitalization gifts in an amount not to exceed \$100 upon the hospitalization (of at least three nights) or death of any City employee, councilmember, or member of a City committee, commission, or board, or immediate family member. Also, past Mayors of the City of Minnetrista, upon their death, are eligible for this section of the program.
2. An annual event may be held to recognize the public service of City staff. An amount not to exceed \$1,000 will be provided for the event and must be expended as necessary to achieve the objectives of the City's Employee Recognition Policies. The City may also utilize additional community donations for this event.
3. Expenditure of public funds to purchase alcohol or intoxicating beverages or foods for the annual recognition event shall not be permitted.

Commented [MT12]: Regarding numbers 1 and 2, if the council has not approved these kinds of expenditures as lawful public expenditures, I suggest they do that.

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SECTION 3740: DRUG FREE WORKPLACE

In accordance with federal law, the City of Minnetrista has adopted the following policy on drugs in the workplace:

1. Employees are expected and required to report to work on time and in an appropriate mental and physical condition. It is the City's intent and obligation to provide a safe and secure work environment free from drugs, alcohol, or cannabinoid products.
2. Cannabinoid products: Products, including those that can be consumed or ingested, usually in the form of a food or beverage, containing a cannabinoid ingredient, particularly tetrahydrocannabinols (THC). Tetrahydrocannabinols (THC): The psychoactive ingredient occurring in the Cannabis sativa plant, whether derived naturally or synthetically.
3. The unlawful manufacture, distribution, possession, or use of a controlled substance, alcohol, or cannabinoid products on City property or while conducting City business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

4. The [City](#) recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.
5. Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring on or off work premises while conducting [City](#) business. A report of the conviction must be made within five (5) days after the conviction, as required by the Drug-Free Workplace Act of 1988.

Alcohol and Drugs. Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, cannabinoid products, or drug paraphernalia while on duty; is 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.

Use and Possession of Alcohol or Drug(s). Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, [the City](#) also prohibits the use, possession of, impairment by any cannabinoid products, 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 [while on duty or on call](#). Likewise, the fact that cannabinoids may be lawfully purchased and consumed in some circumstances does not permit anyone to use, possess, or be impaired by them [while on duty or on call](#). The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use in certain circumstances. 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 and alcohol 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.

Tobacco. Smoking and smokeless tobacco are not permitted within City-owned buildings or vehicles. Smoking and the use of other tobacco products are permitted outside during designated employee breaks.

Drug and Alcohol Testing. Employees are subject to drug and alcohol testing in the following circumstances:

1. **Job Applicant Testing.** The City may require that all applicants who have received conditional offers of employment undergo a drug and/or alcohol or cannabis test, if applicable, among other conditions. The [City](#) will not request or require a job applicant to undergo 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 offer of conditional employment is subsequently withdrawn, the [City](#) will notify the applicant of the reason for the withdrawal.

2. **Routine Physical Examination Testing.** Any employee may be required to undergo drug and alcohol testing, but not cannabis testing, as part of a routine physical examination. The drug or alcohol test will be requested no more than once annually, and the employee will be given at least two weeks' written notice that the test shall be required as part of the examination.
3. **Random Testing.** An employee in a position in which impairment caused by drug or alcohol usage would threaten the health or safety of any person may be required to undergo random drug and alcohol testing. In addition, employees who are required to have a commercial driver's license are subject to random testing, including drug, alcohol, and cannabis testing, as required by federal law and the City's policy.
4. **Reasonable Suspicion Testing.** Any employee may be required to undergo drug and alcohol testing, including cannabis testing, if there is a reasonable suspicion that the employee: (a) is under the influence of drugs or alcohol or cannabis; or (b) has engaged in the use, possession, sale, or transfer of drugs or alcohol or cannabis while the employee is working or while the employee is on City property or operating a City vehicle, machinery, or equipment; or (c) has sustained a personal injury arising out of and in the course of employment, or caused another person to sustain a personal injury; or (d) has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.
5. **Treatment Program Testing.** Any employee may be required to undergo drug and alcohol testing, including 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 the City insurance, in which 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.

Testing Procedure. Any Department Head or the City Administrator may order the drug and alcohol testing. Before undergoing drug or alcohol testing, the employee shall complete a form (1) acknowledging that the employee has seen a copy of the City's drug and alcohol policy, and (2) indicating consent to undergo the drug and alcohol testing.

Testing Laboratory. A laboratory meeting all requirements of state law, including those outlined in Minn. Stat. Sec. 181.953, shall handle all drug and alcohol testing.

Test Results. Within three days of obtaining the final test results, the testing laboratory shall provide the City with a written report indicating the drug(s), alcohol, cannabis, or their metabolites tested for, the types of tests conducted, and whether the test produced negative or positive test results. Within three working days after receipt of the test result report, the City shall inform the employee of a negative test result on an initial screening test, or of a negative or positive test result on a confirmatory test, in writing.

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 and will not be allowed to work. Appropriate arrangements for returning 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.

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 and/or alcohol testing, or cannabis testing, of a urine sample.

Rights of Employees and Job Applicants. Employees and applicants have a right to request and receive a copy of the test result report. If an employee or applicant tests positive for drug use, the City will give written notice of the right to explain the positive test. Within three working days after notice of a positive test result on a confirmatory test, the employee or applicant may submit information to the City to explain that result or may, within five working days after notice of the positive test result, request a confirmatory retest at the employee's or the applicant's own expense. If the confirmatory retest does not confirm the original positive test result, the City will not take any adverse personnel action against the employee or applicant based on the original confirmatory test and will reimburse the employee for the expense of the retest.

Consequences for Refusal to Test. Employees and job applicants have the right to refuse to undergo drug and alcohol, and cannabis testing. However, failure to comply with the City's drug and alcohol policy, and refusal to take a drug, cannabis, and alcohol test upon request shall subject an employee to discipline, including discharge. If an applicant refuses to test, the job offer will immediately be withdrawn.

1. Discipline. An employee who has a positive test result on a confirmatory test, when this is the first such result for the employee, will be subject to discipline but shall not be discharged unless:
 - a. The employee has been allowed 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 a physician trained in the diagnosis and treatment of chemical dependency, and
 - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to complete the program as evidenced by withdrawal from the program before its completion or a positive test result on a confirmatory test after completion of the program.

Participation in the specified program will be at the employee's own expense or pursuant to coverage under the City's insurance. All other employees obtaining a positive test result will be subject to discipline, including discharge.

Data Privacy. Test results and other information gathered under this policy will be treated as private data on individuals. Positive results will be disclosed to the employee, the employee's Department Head, and the City Administrator. Results will not be disclosed to others unless requested in writing by the employee or required by law.

For additional information on Commercial Motor Vehicle Operator Drug and Alcohol Testing, see Section 37.

SECTION 4138: COMMUNICATION TECHNOLOGY

Systems. Systems including telephones, FAX machines, cellular phones, PDA's, voicemail, email, video and voice recorders and players, radio and paging systems, Police Mobile Data Terminals, electronically stored files and databases, desktop computers, laptop computers, modems, internet access, and bulletin boards. These media are intended for business purposes. All of the above-listed equipment and the data stored in the systems are and always remain the property of the City of Minnetrista. Limited occasional or incidental use for personal non-business use is allowed, provided that no City policies are violated and that employees demonstrate a sense of responsibility and do not abuse of the privilege. Rules regarding limited non-business use of City communication mediums are established within each department and monitored by the Department Head.

All communication performed on City-owned communication systems is a matter of public record. Employees should not expect privacy regarding the use of City-owned communication systems. The City may access, without notice, any communication system. The employee is obliged to provide their Department Head with any code or passwords to access information. The City maintains the right to change access codes or passwords at any time.

Because communication performed on City-owned equipment is a matter of public record, communication, including emails, handwritten notes, and faxes, may need to be documented and retained for the record.

Hardware. Employees wishing to use personal hardware other than the equipment provided by the City, such as speakers, web cams, and personal digital assistants (PDAs) are required to consult with their Department Head and the contracted communications technician. Approval will be based upon the equipment's compatibility with and impact on the City's system.

Employees should lock down computers when leaving their workstations.

Software. Employees may not duplicate copyrighted software that is owned by the City of Minnetrista for non-business purposes. Software owned or licensed to the City of Minnetrista shall not be provided to anyone not employed by the City of Minnetrista. Software may not be installed if there are insufficient licenses, and all software must be used in accordance with the license agreement.

Requests to use software other than the City's standard applications must be approved by the employee's Department Head and the contracted communications technician.

Employees may not download any unnecessary software, including, but not limited to, screensavers, instant messaging programs, games, or icons.

General Cell Phone 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 that:

1. Its use in no way limits the conduct of work of the employee or other employees.
2. No personal profit is gained, nor outside employment is served.

Regardless of who pays the bill, cell phone records about City business are subject to the Minnesota Government Data Practices Act. What this means is that if a request were received, the City would be under the obligation to determine what information is public data and what information is private data, and would need access to the employee's phone records and possibly the phone itself to provide the data that is being requested. Therefore, the best practice is to limit the usage of personal cell phones for City business to that which is truly necessary, or employees should be prepared to produce their 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 they interfere 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 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 as 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.

All employees using City-owned cellular telephones during the workday must determine appropriate usage.

Personal calls will be acceptable in those circumstances where it is necessary to *briefly* contact someone. Such calls should only be made when customary telephones are not accessible. The City maintains the right to charge the employee for such calls should fees incur beyond the normal monthly charge for the plan. Further, the City maintains the right to revoke this privilege due to misuse.

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

City-Owned Cellular Phones. 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 that City employees exercise the highest standards of propriety in their use.

Personal Cellular Phones. Personal telephone calls are to be made or received only when truly necessary (e.g., family or medical emergency). They are not to interfere with City work and are to be completed as quickly as possible. Any personal long-distance call costs will be paid for by the employee. Noncompliance with this policy may result in disciplinary action.

Employee Responsibilities. When utilizing [City](#)-owned equipment of any kind, employees should always use the following behavior:

1. Use good judgment
2. Do not engage in inappropriate uses
3. Protect the City's equipment from damage, including viruses
4. Ensure security
5. Follow password guidelines if applicable
6. Properly store records created
7. Engage only in appropriate personal use
8. Report inappropriate use
9. Expect consequences for violating any of the employee responsibilities listed above

Information. Occasionally, employees will have access to confidential, sensitive, or private information and data. Such information must not be disseminated to unauthorized people or organizations. Misuse of such information may result in disciplinary action.

Messages to solicit or recruit others for commercial ventures, religious, or partisan political causes or concerns are prohibited.

Personal Information. To keep payroll, benefits, mailing lists, and other information current, [employees must please](#) notify the Administration Department of any changes in [their](#) personal status, such as address, telephone number, emergency contacts, etc. Employees shall provide updated personal information within one week of any information changes.

Tennessee Warning. The Tennessee Warning requires the City of Minnetrista to inform employees of their rights in regards to the Minnesota Data Practices Act. At the end of this Personnel Policy is a Tennessee Warning Form.

SECTION ~~4239~~: PUBLIC RELATIONS

The City of Minnetrista exists to serve the public, and it is our responsibility to provide the community with information about our policies, programs, and decisions that affect the public. We foster an open and honest environment in which to disseminate information on a consistent and timely basis.

Authorization of Media Release. Generally, the City Administrator, or designee, will approve requests for information and news releases. There may be times, however, when someone other than the City Administrator may make a preliminary news release if such a release is necessary and in the best interest of the [City](#). Questions relating to department policy or procedure shall be referred to through channels or by direction to the City Administrator. Public Safety and/or emergency management information requests and/or press releases will be referred to by the Director of Public Safety.

Guidelines for Media Release. The following is intended to serve as general guidance for individuals who will be in contact with members of the media because of their work with the City of Minnetrista.

1. Discussions should focus on facts, not speculation.

2. Limit discussions to matters for which employees are responsible and of which they have direct knowledge. When a reporter or citizen question goes beyond their expertise, refer them to the appropriate source.
3. Whether in person, on camera, or over the phone, when speaking to the media employee's represent and speak for the entire organization. Misinformation shared with the media can have negative effects on the public, as well as on our credibility.
4. When speaking to members of the media, employee's are speaking on record. Off-the-record and background interviews almost always result in a story.
5. Employee's are not bound to talk with reporters. Should they have questions, concerns, or doubts, contact the City Administrator.
6. No legally protected information may be released.

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 their 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 Administrator 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~~[their](#) request to the appropriate person, who will get back to ~~you~~[them](#) 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:

1. 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.
2. Be respectful, professional, and truthful when providing information. In most cases, only factual information (not opinions or editorial comments) should be provided: "The [City](#) finished street

cleaning on 16 streets in the northwest corner of the Ccity this past week” instead of “The Ccity is doing a great job with street cleaning this year!” Corrections must be issued when needed.

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

SECTION 4043: PERSONAL COMMUNICATIONS AND USE OF SOCIAL MEDIA

It is important for Ccity employees to remember that their personal communications of employees may reflect on the Ccity, especially if employees are commenting on Ccity business. 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:

All employees should remember that what they write or post is public and will be so for a long time. It may also spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos employees would not want their boss or other employees to read, or that they would be embarrassed to see in the newspaper. Keep in mind that harassment, bullying, threats of violence, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, from home, and on home computers.

The City of Minnetrista expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other people associated with the Ccity. 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 based on sex, race, national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status concerning public assistance or membership or activity in a local human rights commission. If employees publish something related to Ccity business, they must identify themselves and use a disclaimer such as, “I am an employee of the City of Minnetrista. However, these are my own opinions and do not represent those of the City of Minnetrista.”

City resources, working hours, or official Ccity positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the Ccity’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 he or she 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 name or email names should not be tied to the Ccity (e.g., Minnetrista Cop).

SECTION 4144: CONFIDENTIAL INFORMATION

Employees shall not disclose or discuss any information classified as non-public by law or regulation. Infractions are subject to the disciplinary process. An employee of the City shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use nonpublic information. Further information can be obtained from the Designated Authority for Data Practices.

SECTION 4245: ETHICS

Ethics ensures that employees maintain a high standard of integrity, impartiality, and conduct, which are all vital components of an effective government. Even small breaches of ethical behavior can diminish the confidence residents have in their government and can thereby decrease the ability to be effectively governed.

The City of Minnetrista sets forth these guidelines for maintaining ethical behavior:

All employees shall avoid any action that might result in or create the appearance of:

1. Using public office for private gain
2. Giving preferential treatment to any person
3. Losing impartiality
4. Making a [City](#) decision outside the official channels.

Acceptance of Gifts. Pursuant to Minnesota Statutes section 471.895, no employee shall request, solicit, or accept a gift from any person or representative of a person or association that has a direct financial interest in a decision that the employee is authorized to make.

Gift Exceptions. The prohibition in this section does not apply if the gift or gratuity is one of the following:

1. contribution as defined in Minnesota Statutes section 211A.01, subdivision 5;
2. services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;
3. service, trinket or memento of insignificant monetary value;
4. a plaque or similar memento recognizing individual services in a field or specialty or to a charitable cause;
5. informational material of unexceptional value; [or](#)
6. food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program.

The prohibitions in this section also do not apply if the gift is given:

1. because the recipient's membership in a group and a majority of members are not local officials, and an equivalent gift is given to the other group members; or
2. by an interested person who is a member of the family of the recipient, unless the gift is given on behalf of the someone who is not a member of that family; or

3. by a national or multi-state organization of governmental organizations or public officials, if a majority of the dues to the organization are paid from public funds, to attendees at a conference sponsored by that organization, if the gift is food or a beverage given at a reception or meal and an equivalent gift is given or offered to all other attendees.

Consult with the Department Head. Exceptions to the prohibition against gifts are rare. Employees should courteously decline all offers of gifts and gratuities. If an employee has any doubt about the propriety of a gift, the employee shall report the gift to his or her Department Head immediately.

Organizational Support. Organizational support is defined as positively upholding the vision, policies, practices, and general manner of the City. Employees are responsible for portraying organizational support at all times and will be held accountable for promoting the City through support of their Department Heads, elected officials, colleagues, and citizenry. Failure to practice organizational support may be grounds for disciplinary action.

Judgement. As City employees, everyone will be required to use sound judgment within the decision-making capacities of their position, as well as in areas surrounding ethical practices and conflicts of interest. Employees will also be called to make judgment calls regarding interactions with fellow employees, vendors, and citizens. City employees are responsible for using good judgment in all areas and capacities of their job. Failure to practice sound judgment could result in disciplinary action.

SECTION 4346: CONFLICTS OF INTEREST

Conflicts of Interest. City employees must avoid a conflict of interest and even the appearance of a conflict of interest. Therefore, a City employee, acting in the employee's official capacity, shall not:

1. Transact official City business with a family member, or with a business or person with whom that employee has a financial interest, or involvement;
2. Enter into a relationship with a vendor where the employee's actions are, or may reasonably be viewed as, not in the best interests of the City.

An employee who becomes involved in a possible conflict situation must report the possible conflict to the employee's Department Head and the City Administrator. Involvement in a conflict of interest may result in disciplinary action and, in some cases, termination.

SECTION 4447: LEGAL ACTIONS

Under rare circumstances, employees may have or receive questions regarding how to handle legal actions against the City. Further, employees may seek claims personally against the City for damaged property, employee matters, or other circumstances. The following describes how employees should handle such matters.

Lawsuits. To be considered a lawful service, notice of a lawsuit must be served upon the Mayor or City Administrator. If neither is available, any employee who accepts the notice should note the time, method, and any other pertinent information. All original copies of any lawsuit are to be sent promptly to the City Administrator, who will consult with affected parties and the City's legal counsel.

Conciliation Court Claims. If an employee accepts the claim, please note the time, method, and any other pertinent information. All original copies are to be provided promptly to the City Administrator.

Court Notices. If an employee receives a court notice, please note the time, method, and any other pertinent information. Employees should contact their Department Head or the City Administrator immediately.

General Claims. If an employee accepts the claim, please note the time, method, and other pertinent information. All original copies are to be provided promptly to the City Administrator.

Employee Matters. Matters including workers' compensation claims and discrimination allegations should be promptly reported to the City Administrator or Assistant City Administrator.

SECTION 4548: RESPECTFUL WORKPLACE

This policy intends to provide general guidelines about conduct that is and is not appropriate in the workplace and other [City-sponsored](#) social events.

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

Applicability. Maintaining a respectful public service work environment is a shared responsibility. This policy is applicable to all [City](#) employees, volunteers, firefighters, members of boards and commissions, and City Council members.

Abusive Customer Behavior. While the [City](#) has a strong commitment to customer service, the [City](#) does not expect employees to accept verbal and other abuse from any customer [or citizen](#).

An employee may request that a supervisor intervene when a customer [or citizen](#) is abusive, or the employee may defuse the situation themselves, including professionally ending the contact.

If there is a concern about the possibility of violence, the individual should use their discretion to call 911, and as soon as feasible, a supervisor. Employees should leave the area immediately when violence is imminent unless their duties require them to remain (such as police officers). Employees must notify their supervisor about the incident as soon as possible.

Types of Disrespectful Behavior. The following behaviors are unacceptable and therefore prohibited, even if not unlawful in and of themselves:

Violent behavior. Includes the use of physical force, harassment, bullying or intimidation.

Discriminatory behavior. Includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, pregnancy, gender-biased statements, such as stereotypes about women or men, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance.

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Offensive behavior. May include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name-calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. 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 supervisors what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.

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

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:

1. Submitting to conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
3. Such conduct has the purpose or results 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:

1. **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.
2. **Verbal or written abuse, kidding, or comments that are sexually oriented and considered unacceptable by another individual.** This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others. The harassment policy applies to social media posts, tweets, etc., that are about or may be seen by employees, customers, etc.
3. **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.

Employee Response to Disrespectful Workplace Behavior. 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 or ask the individual to leave the area.

If employees see or overhear a violation of this policy, employees should advise a supervisor, the City Administrator, or the City Attorney promptly.

Employees who believe disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. If there is a concern about the possibility of violence, the individual should use their discretion to call 911 and, as soon as feasible, a supervisor.

Step 1(a). 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.

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

Step 1(c). The City urges that conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. It is vitally important you notify a supervisor, the City Administrator, the mayor or councilmember of promptly of your concerns. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it promptly to a supervisor or the City Administrator.

Commented [S13]: I don't know if it is a good idea to allow them to notify elected officials of this type of issue.

Step 2. If, after what is 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 or the mayor.

Supervisor's Response to Allegations of Disrespectful Workplace Behavior

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

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations 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. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

Step 1(a). If the nature of the allegations and the wishes of the victim warrant a simple intervention, the supervisor may choose to handle the matter informally. The supervisor may conduct a coaching session with the offender, explaining the impact of their actions and requiring the conduct not to recur. This approach is particularly appropriate when there is some ambiguity about whether the conduct was disrespectful.

Step 1(b). Supervisors, when talking with the reporting employee, will be encouraged to ask him or her what he or she wants to see happen next. When an employee comes forward with a disrespectful workplace complaint, it is important to note that 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 possible, and related information will only be shared on a need-to-know basis and in accordance with the Minnesota Data Practices Act.

Step 2. If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of their own choosing present during the interview. Typically, the investigator will obtain the following:

Description of the incident, including date, time and place;

Corroborating evidence;

A list of witnesses; and

Identification of the offender.

Step 3. The supervisor must notify the City Administrator about the allegations (assuming the allegations do not involve the City Administrator).

Step 4. In most cases, as soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations, and the alleged violator will have the opportunity to answer questions and respond to the allegations. The City will follow any other applicable policies or laws in the investigatory process.

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

Step 6. The alleged violator and complainant will be advised of the findings and conclusions as soon as practicable and to the extent permitted by the Minnesota Government Data Practices Act.

Special Reporting Requirements. When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the City Administrator, who will determine how to proceed in addressing the complaint as well as appropriate discipline.

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

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

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

If an elected or appointed City official (e.g., council member or commission member) is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

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

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

SECTION 4649: SEXUAL HARASSMENT

The City of Minnetrista is committed to creating and maintaining a public service workplace free of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964, the Minnesota Human Rights Act, and other related employment laws

In keeping with this commitment, the City maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment.

This policy statement is intended to make all employees, volunteers, members of boards and commissions, and elected officials sensitive to the matter of sexual harassment, to express the City's strong disapproval of unlawful sexual harassment, to advise employees against this behavior and to inform them of their rights and obligations. The most effective way to address any sexual harassment issue is to bring it to the attention of management.

Application of Policy. The City's policy on harassment includes, but is not limited to, sexual harassment, harassment, and offensive behavior. This policy applies to all full-time, part-time, and temporary employees, elected officials, all members of commissions and committees appointed by the Council, and all individuals maintaining a business relationship with the City. This policy applies to conduct that is directed at individuals or which occurs around them, even though the conduct may not be directed specifically to them. This policy governs conduct through e-mail, voice mail, and other electronic communication.

Definition of Sexual Harassment. To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on Minnesota Statute § 363A.03, subdivision 43, is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:

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

Examples of inappropriate behaviors that are unacceptable and therefore prohibited, even if not unlawful in and of themselves include: unwanted physical contact; unwelcome sexual jokes or comments; sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behavior. In summary, sexual harassment is the unwanted, unwelcome, or repeated action of an individual against another individual, using sexual overtones

Examples of Harassment and Offensive Behavior. Sexual harassment, harassment, and offensive behavior, which may resemble sexual harassment, are strictly prohibited and include, but are not limited to:

1. Unwanted sexual comments, compliments, flirtations, advances, and jokes;
2. Sexual suggestions or remarks about a person's clothing, body, or sexual activity;
3. Unwanted or unnecessary touching, brushing against, patting, or pinching
4. Requesting sexual favors;
5. Unwelcome or repeated invitations to social engagements or other activities;
6. Display in the workplace sexually suggestive pictures, cartoons, or objects;
7. Any indications or threat, expression or otherwise that an employee's job security, job assignment, conditions of employment, or opportunities for advancement may depend on the granting of sexual favors;
8. Conduct, whether deliberate or careless, which creates an intimidating, hostile, or offensive work environment, interfering with an employee's work;
9. Offensive comments or actions that are based on a person's age, marital status, religion, disability, national origin, race, or sexual orientation.

Reporting Violations. Any knowledge about or claims of a violation of this Section must be reported to the employee's Department Head. Department Heads shall promptly report allegations to the City Administrator. If the employee is not comfortable reporting to the employee's Department Head, the employee must report directly to the City Administrator.

The City Administrator will determine if the allegations require further investigation. If an investigation is warranted, the City Administrator or the Administrator's designee will perform the investigation. In some cases, a third party may be deemed most appropriate.

All reports of violations will be handled as promptly and confidentially as possible. If facts appear to support the allegations, appropriate action will be taken. Resolution of complaints may include, but are not limited to, direction to stop the offensive behavior, counseling and or training, warning, suspension with or without pay, transfer, and termination.

This policy prohibits retaliation against employees who report complaints of harassment or assist in investigating such complaints.

Expectations. The City of Minnetrista recognizes the need to educate its employees, volunteers, members of boards and commissions, and elected officials about sexual harassment and stands committed to providing information and training. All employees are expected to treat each other and the public with respect and assist in fostering an environment free from offensive behavior or

harassment. Violations of this policy may result in discipline, including possible termination. Each situation will be evaluated on a case-by-case basis.

Employees who feel that they have been victims of sexual harassment, or employees who are aware of such harassment, should immediately report their concerns to any of the following:

1. A supervisor;
2. City Administrator;
3. Assistant City Administrator;
4. Mayor or [City](#) councilmember.

In addition to notifying one of the above people and stating the nature of the harassment, the employee is also encouraged to take the following steps, if the person feels safe and comfortable doing so. If there is a concern about the possibility of violence, the individual should use their discretion to call 911, and as soon as feasible, a supervisor.

1. Communicate to the harasser that the conduct is unwelcome. Professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions, and request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.
2. 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 an offender.
3. To reiterate, you must notify a supervisor, the City Administrator, the [Mayor](#), or a councilmember of your concerns. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter. 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](#).

The [City](#) urges conduct that is viewed as offensive to be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. Management takes these complaints seriously and has the obligation to provide an environment free of sexual harassment. The [City](#) is obligated to prevent and correct unlawful harassment in a manner that does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required.

In the case of a sexual harassment complaint, a supervisor must report the allegations promptly to the City Administrator.

If the City Administrator is the subject of the complaint, then the supervisor is to report the complaint to the City Attorney.

A supervisor must act upon such a report even if requested otherwise by the victim. The [City](#) will take action to correct any and all reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation. All allegations will be investigated. Strict confidentiality is not possible in all cases of sexual harassment, as the accused has the right to answer charges made against them, particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible.

The City is not voluntarily engaging in a dispute resolution process within the meaning of Minn. Stat. § 363A.28, subd. 3(b) by adopting and enforcing this workplace policy. The filing of a complaint under this policy and any subsequent investigation does not suspend the one-year statute of limitations period under the Minnesota Human Rights Act for bringing a civil action or for filing a charge with the Commissioner of the Department of Human Rights.

Special Reporting Requirements. When the supervisor is the alleged harasser, a report will be made to the City Administrator, who will assume responsibility for investigation and discipline.

If the City Administrator is the alleged harasser, 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 the alleged harasser, the report will be made to the City Administrator and referred to by the City Attorney, who will undertake the necessary investigation. The City Attorney will report their findings to the City Council, which will take the action it deems appropriate.

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

If an elected or appointed City official (e.g., council member or commission member) is the victim of disrespectful workplace behavior, the City Attorney will be consulted as to the appropriate course of action.

Retaliation. The City of Minnetrista will not tolerate retaliation or intimidation directed towards anyone who makes a complaint of employment discrimination, who serves as a witness or participates in an investigation, or who is exercising their rights, including when requesting religious or disability accommodation. Retaliation is broader than discrimination and includes, but is not limited to, any form of intimidation, reprisal, or harassment. While each situation is very fact dependent, 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 an 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 reports 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 an employee feels retaliation is occurring within the workplace, ~~they should~~ please report ~~their~~ your concern immediately to any of the following:

1. Immediate supervisor;
2. City Administrator;
3. Assistant City Administrator;
4. Mayor or City Councilmember
5. 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 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.

SECTION 4650: 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.

The primary source of safety information is the City Safety and Health Program. Copies of this program are housed in every department. The City Safety and Health program details the City of Minnetrista's commitment to safe work practices. It is the responsibility of each employee to notify the Department Head of any safety issue. Employees will notify their Department Head.

An employee who is injured on the job must immediately report their injury to their Department Head.

If an employee observes an injury to the public occurring on City property or resulting from the operation of City equipment, he or she should report it as soon as possible to the City Administrator's Office.

Employees may be asked to serve on the City's Safety Committee. The Safety Committee is comprised of employees and Department Heads representing all City departments. The safety committee meets on a regular basis to discuss safety issues in the workplace, maintain the Health and Safety Program, and ensure all Occupational Health and Safety Administration regulations are met. If they have an innovation to improve safety conditions, they should contact their department's Safety Committee representative.

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

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

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

Possession and Use of Dangerous Weapons. Possession or use of a dangerous weapon (see attached definitions) is prohibited on City property, in City vehicles, or in any personal vehicle that 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:

1. 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.
2. A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
3. Police officers and employees who are in possession of a weapon or firearm in the scope of their official duties.

SECTION 51: QUESTIONS

For questions on the Personnel Policy, please contact your supervisor or the Human Resources Department.