



# Personnel Policy

**Amended May 20, 2019**

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## **SECTION 1: INTRODUCTION**

### **I. PURPOSE**

The purpose of these Personnel Policies is to establish a uniform and equitable system of personnel administration for employees of the City of Howard Lake. None of these Personnel Policies constitute a contract between the employee and the City. These Personnel Policies are not a guarantee of continued or future employment or intended to alter the employment at will relationship in any manner. Except as otherwise prohibited by law, the City of Howard Lake 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.

These policies are not intended to be all-inclusive or to cover every situation that may arise. These policies may be amended at any time at the sole discretion of the City and they will supersede all previous personnel policies. Revisions and amendments shall become effective upon approval by the City Council. Employees are responsible for complying with current city policy at all times.

### **II. ADMINISTRATION**

The City Administrator, who is directly accountable to the City Council, administers these Policies. The City Administrator may develop and provide the necessary forms, procedures and interpretation, subject to final review and approval by the City Council, for the implementation of these Policies.

### **III. SCOPE AND APPLICATION**

These Rules and Regulations shall apply to every City level of public employment position for which the Appointing Authority is the City Council, City Administrator, an elected City official, and appointed City Department Head, or a commission appointed by the City Council. This includes:

1. All Elected Officials;
2. Members of the City Boards, Commissions, and Committees;
3. Volunteer firefighters
4. All full-time, part-time, and seasonal employees.

In accordance with these Policies, each Department Head may establish departmental rules or procedures, which do not conflict with these Policies. Such department rules shall be filed with the City Administrator and approved by the City Council prior to implementation.

With respect to employees whose positions are included in a collective bargaining unit, provisions of the applicable collective bargaining agreements negotiated pursuant to the Public Employment Labor Relations Act, Minn. Stat. 179A.01 – 179A.25, shall supersede these policies on any subject area covered by both the collective bargaining agreement and these Policies.

### **IV. EMPLOYEE RESPONSIBILITIES**

Employees subject to these Policies shall comply with, and carry out the provisions of these Policies. Any employee who fails to comply with any of the provisions of these Policies shall be subject to disciplinary action.

## **V. APPOINTMENTS**

The appointing authority on the basis of merit and fitness for the position shall make every appointment to municipal service. When required by law or by the Council, merit and fitness shall be ascertained by written, oral, or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

## **VI. DEFINITIONS**

Class – One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class, that the same general qualifications are needed for performance of the duties and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

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

Completion – An employee who has completed the period of probationary service and who has not received, before completion of that period, a written notice from that department head (or administrator) that his services are terminated shall be considered to have successfully completed the probationary period and attained the status of a permanent employee.

Days – Unless otherwise indicated, this means working days.

Demotion – A change by an employee from a position in one class to a position in another class with less responsible duties and a lower salary range.

Emergency, Intermittent, Temporary or Seasonal Employees – Individuals who are not employed on a regular basis or are not working in an ongoing position of indefinite duration or who fill positions with an average work week of less than 20 hours or sixty-seven (67) work days in a calendar year. Temporary and seasonal employees include all individuals who do not meet the definition of public employee as used in Minn. Stat. §179A.03, subd. 14 because their positions are basically temporary or seasonal in character and the positions do not last for more than 67 working days in any calendar year or 100 days for individuals who are full-time students who have indicated an intention to continue as students following their temporary employment. Emergency, intermittent, temporary and seasonal individuals are not eligible for benefits except as required by statute, state administrative rule or City policy.

Employer – The City of Howard Lake City Council.

Exempt Positions – Those employees not covered by the Federal Fair Labor Standards Act (i.e.: executive, professionals, administrative).

Good Standing – Employees who resign in good standing have given at least two weeks notice, and have returned all city owned keys, tools, cell phones, pagers, or other equipment.

Non-Exempt Employees – Those employees covered by the FLSA Act (i.e.: clerical, technical, manual, etc.).

Performance Appraisal – A systematic review of an employee's job performance.

Personnel Committee – A review Committee appointed by the Howard Lake City Council to hear appeals and complaints as prescribed in these regulations and make recommendations on hiring and firing employees.

Probationary Employee – Individuals who are working under a probationary period as a result of an appointment to a new position.

Probationary Period – A working test period during which a new employee is required to demonstrate fitness for the position to which he/she is appointed by actual performance of the duties of the position.

Probationary Period Duration – A period of time set by City Council to be from three (3) months to one year depending on position of employment. The City Administrator and City Council has the authority to extend probationary periods as necessary.

Promotion – A change of an employee from a position of one class to a position of another class with more responsible duties and a higher salary range.

Reclassification – A reassignment or change in classification of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on a basis of significant change in the work performed in such a position.

Regular Full-Time Employees – Individuals who have successfully completed the probationary period and are working in an ongoing position of indefinite duration that requires a regularly scheduled thirty-five to forty (35-40) hours in each week.

Regular Part-Time Employees – Individuals who have successfully completed the probationary period and are working in an ongoing position of indefinite duration that requires a regularly scheduled work week of at least 20 hours, but less than 40 hours per week. These individuals are not eligible for the health insurance or other benefits except as required by statute, state administrative rule, or City policy.

## **SECTION 2: EMPLOYMENT POLICY**

### **I. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

The City of Howard Lake is committed to providing equal opportunity in all areas of employment in accordance with applicable state and federal laws. The City of Howard Lake will not discriminate against any employee or applicant with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, marital status, disability, status with regard to public assistance, veteran status, or familial status.

### **II. DATA PRACTICES ADVISORY**

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

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

### **III. DISCIPLINE**

The objective of this policy is to establish a standard disciplinary process for employees of the City of Howard Lake. 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 including those described in departmental rules or procedures 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. Probationary employees are not entitled to progressive discipline unless a Veteran's Preference has been established.

#### **a) DISCIPLINE PROCESS**

The city may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the employee. If discipline is necessary, the following items shall be addressed in a progressive order unless the severity of the incident warrants more severe and immediate discipline.

- a) **Oral Reprimand** – This is an action taken by the Department Head and/or City Administrator. Oral 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 Department Head and/or City Administrator will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

- b) **Written Reprimand** – This action is taken by the Department Head and/or City Administrator. A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected or the behavior has not consistently improved in a reasonable period of time. Written reprimands are issued by the Department Head and/or City Administrator supervisor with prior approval from the City Administrator.

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

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

- c) **Suspension** – The City Administrator may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans, who have completed their initial probationary period, will not be suspended without pay in conjunction with a termination.

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

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

- d) **Discharge** – The City Council, upon the recommendation of the City Administrator/Personnel Committee, may discharge an employee for substandard work performance, serious misconduct, or behavior not in keeping with City standards.

If the disciplinary action involves the removal of a qualified veteran, who has completed his/her initial probationary period, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

#### **IV. GRIEVANCE**

A grievance is a dispute or disagreement raised by any employee, or group of employees, against the City because of the application, meaning, interpretation or alleged violation of these policies.

The following actions are not subject to the grievance procedure: the classification or rate assigned to the employee's position, the results of the employee's performance evaluation, any salary decisions, the legitimacy of any of the provisions of the personnel policies, actions proposed but not taken, any investigative activity provided that no action has been taken.

#### **a) GRIEVANCE PROCESS**

Any employee who commences a grievance proceeding under the provisions of a collective bargaining agreement or a statutorily created process such as the Minnesota Department of Human Rights or the United States Department of Labor is precluded from grieving the same issue a second time under these rules. Similarly, commencement of a grievance proceeding under these policies shall preclude the employee from grieving the same issue under a collective bargaining agreement.

Processing of Group Grievances - The City may elect to treat a grievance raised by a group of employees relating to the same issue as a single grievance proceeding.

It shall be the City's policy to address all grievances promptly. In order to facilitate the processing of employee grievances in an orderly manner, and to provide the employee access to all levels of management and a fair and impartial hearing, the following procedures are to be used:

**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 their Department Head within five (5) working days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within ten (10) calendar days.

**Step 2** – A grievance not resolved by the Department Head in Step 1 may be appealed to the City Administrator. The employee shall place the grievance in writing setting forth 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. The grievance shall be served to the City Administrator within ten (10) working days from the time of the Department Head's final answer.

**Step 3** – The City Administrator will issue a written decision to the employee and the Department Head within 10 days of receipt of the written appeal. The decision of the City Administrator will be final.

**Step 4 – Time Limits** – If the grievance is not presented within the time period set forth above, it shall be considered waived. If a grievance is not appealed to the next step within the specified time limit, it shall be considered settled on the basis of the City's last answer. If the proper authority does not answer a grievance or appeal thereof within the specified time limits, the employee shall treat the grievance as denied, and may immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the employee and authority involved in the step at the request of either party.

#### **V. RECRUITMENT AND SELECTION**

Advertising for applicants shall be performed through the City Administrator's Office. Each advertisement will normally specify a time period within which an application may be submitted. Completed applications for employment, meeting minimum qualifications will be referred to the City Administrator for review prior to selection for interview.

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

The selection process will be a cooperative effort between the city administrator or designee, subject to final hiring approval of the City Council. Any, all, or none of the candidates may be interviewed. The city has the right to make the final hiring decision based on qualifications, abilities, experience and City of Howard Lake's needs.

## **VI. BACKGROUND CHECKS**

All finalists for employment with the city will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Options for background checks include but are not limited to a criminal background check, a credit check, civil judgements, and reference check. Except where already defined by state law, the city administrator will determine the level of background check to be conducted based on the position being filled.

## **VII. PRE-EMPLOYMENT MEDICAL EXAMS**

Some applicants may also be required to complete a physical examination, psychological examination and/or drug and alcohol test as a condition of employment. When required, the City will select a licensed physician or psychologist to assess the candidate's ability to perform the essential functions of the job. The initial cost of the pre-employment examination or drug and alcohol test will be paid by the City.

## **VIII. PROMOTIONS AND TRANSFERS**

There are periodic opportunities for promotions and/or transfers within various departments. Employees may be promoted or transferred by responding to and being selected for a posted position. Employees responding to a posting must apply to be considered for the position. It is in the best interest of all employees to have the most qualified person on each job. Consideration for promotion is given to employees who have the best combination of education, aptitude, training, and experience to fill the job vacancy. An employee must meet the minimum qualifications for the position in order to be eligible for promotion or transfer. Employees must maintain certification and/or licenses where required to continue to hold the position.

## **IX. LAYOFF**

The city administrator will make decisions about layoffs based on the city's needs and on the performance, knowledge, skills, and abilities of employees first, and seniority will be used as a secondary consideration. The city administrator will submit a list of employees to be laid off to the City Council for final approval.

## **X. RESIGNATION**

Employees who choose to resign in good standing must give at least a fourteen (14) calendar day's notice to the department head. The written notice must specify the last day that the employee will be at work. Employees who are retiring or in a management position are encouraged to give the City thirty (30) or more calendar days notice in order to allow the City adequate time to find a replacement.

An employee who is absent from work for a period of three (3) consecutive working days or more without notifying the Department Head or City Administrator of the reasons for the absence may be deemed to have voluntarily resigned not in good standing. An employee who fails to return from a leave of absence on the prescribed date without notice shall be deemed to have voluntarily resigned not in good standing unless the resignation is waived by appropriate City Council action.

Pursuant to State and Federal Law, employees may extend insurance coverage for up to 18 months (36 months in some cases as provided by statute) following termination. The employee will be responsible for the total cost of monthly premium and it shall be payable monthly to the City.

## **XI. SEVERANCE PAY**

Employees who leave the employ of the city due to resignation, elimination of position, death, or retirement and are in good standing shall receive payment for unused Paid Time Off (PTO), Compensatory Time, and Paid Holiday Comp at their regular hourly rate on their final pay check. Employees hired prior to 5/20/2019 that resign in good standing shall receive payment for up to 144 hours of their Extended Illness Bank at their regular hourly rate on their final pay check.

### **a) LIMITATIONS**

- Accrued PTO shall not be paid to employees leaving employment with the city during the initial probationary period.
- An employee separated from the City for misconduct or just cause will not be paid for their PTO balance.

## **SECTION 3: ATTENDANCE AND WORK SCHEDULES**

### **I. ATTENDANCE**

Attendance and punctuality are essential to the daily operations of the City and it critical that employees strive for the best attendance possible. Attendance and punctuality are an essential component of employee performance and may be considered when making recommendations for promotions, transfers, salary increases or disciplinary action.

Employees who are going to be absent from work are required to notify their supervisor as early as possible in advance of the absence. Absences, which may be planned, must be arranged with the employee's supervisor in advance.

### **II. WORK SCHEDULES**

Work schedules are based on organization needs as determined by Department Heads and the City Administrator and therefore may vary between positions and departments. Department Heads are accountable for the hours worked by their employees. The regular workweek shall be established as Monday through Friday from 8:00 AM to 4:30 PM and consist of forty (40) hours for full time employees. The above is the usual work hours and except as otherwise established by the department head in accordance with the needs of the department and in compliance with the FLSA.

All non-exempt public works employees that are required to work outside of their normal workday, except weekend shifts, in a non-emergency situation, shall flex their weekly schedule to accommodate hours worked. These hours do not qualify to be authorized as overtime.

Short-term variances (i.e. less than two weeks) for individuals or groups may be authorized upon approval by the Department Head or City Administrator.

### **III. BREAKS**

The normal day shall include two fifteen-minute breaks and one unpaid lunch break of thirty (30) minutes.

### **IV. TIME REPORTING**

Non-Exempt employees are required to punch in on their timesheet at the beginning of their shift not more than 6 minutes before their shift starts and punch out at the end of their shift not more than 6 minutes after their shift ends unless authorized by their supervisor.

Time worked is rounded to the nearest quarter hour. All timesheets are approved by an employee's supervisor. Falsification of time entry is grounds for termination of employment.

### **V. FLEX TIME**

The City of Howard Lake recognizes that employees may need to work at times that depart from normal work hours on a recurring, scheduled basis. Flextime is a planned alteration from normal work hours to meet specific needs.

Employees may request an ongoing flexible work schedule in writing. It will be evaluated on an individual basis. Prior approval by their Department Head and City Administrator is required before implementation. An employee may be granted his/her request for a flexible work schedule if it is determined that the request for such schedule:

- a. shall not adversely affect the work or services of the City
- b. provides adequate supervision
- c. serves the mutual benefit of the employee, City, and department
- d. does not detract from meeting the department's workload

An employee's request for a flexible schedule may be disapproved, discontinued, or altered based on the above criteria, the employee's current or past performance, or upon request of the employee.

All employees remain accountable for working their regularly scheduled hours per week in accordance with the terms of their assignment. Employees on flextime schedules are expected to make themselves available for scheduled conferences, meetings, and any employer-required training.

Approved flex-time hours must be reviewed at least every six (6) months and must be renewed (with notice to their personnel file) at least every twelve (12) months.

## **VI. INCLEMENT WEATHER**

City facilities will generally be open during adverse weather and employees will be expected to be at work. Employees who do not provide services that are determined essential may, with approval of their supervisor, choose not to come into work or to leave early. Police officers and public works employees are generally determined to be essential. Exempt employees should contact their supervisor to determine an appropriate way to handle the absence. With supervisor approval, non-exempt employees have the following options to account for the lost time due to inclement weather: use of accrued compensatory time, use of accrued PTO, or working additional hours within the same week.

## **VII. TRAINING TIME**

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

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

## **SECTION 4: COMPENSATION**

### **I. OVERVIEW**

The City of Howard Lake recognizes the importance of aligning our compensation with the market and providing equitable pay for employees in accordance with Minnesota Statutes, Sections 471.991 to 471.999 (Minnesota Pay Equity Act) and therefore has established a Compensation Plan for employees. Positions are assigned pay ranges which corresponds to their job classification. The following policies set for the conditions of compensation and salary advancement for full and part-time employees.

### **II. COMPENSATION AND CLASSIFICATION PLAN**

Employees will be paid according to the established Classification and Compensation Plan (also referred to as the Step Plan) and benefits package determined by the City Council. As the Plans may be amended from time to time by the City Council, the City maintains these Plans separate from this policy and employees may review the Plans upon request.

Employees may also eligible for the following additional forms of compensation: overtime, on-call, call back and holiday pay. Eligibility for each form of additional compensation is detailed in each of their respective policies.

#### **a) STEP INCREASES (FULL TIME EMPLOYEES)**

Department Heads complete performance reviews for employees on an annual basis. With positive performance, full-time employees on the Step Plan may be eligible for a step increases effective the pay period in which their anniversary date falls.

#### **b) STEP INCREASES (PART-TIME EMPLOYEES)**

Department Heads complete performance reviews for part-time employees on an annual basis. Once a part-time employee has reached 2080 hours of service and they have achieved positive performance, they may be eligible for a step increase effective the pay period in which their 2080 hours of service falls.

### **III. PAY PERIODS AND PAY CHECKS**

The normal workweek for pay purposes for all employees will be Monday through Sunday. There are two weeks per pay period. Employees shall be paid biweekly on every other Friday. When a payday falls on a holiday, employees shall receive their pay the preceding workday.

The City offers enrollment in direct deposit as an easy, safe, and convenient way for employees to receive their paychecks. The money is deposited in employee accounts the morning of pay day and pay stubs are issued electronically. Hard copies of pay stubs can be generated upon request.

### **IV. OVERTIME/COMPENSATORY TIME**

The City of Howard Lake has established this overtime and compensatory time 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 and compensatory time in accordance with the Fair Labor Standards Act (FLSA).

**a) NON-EXEMPT (OVERTIME ELIGIBLE) EMPLOYEES**

All overtime-eligible employees will be compensated at a rate of 1.5 for all hours worked over 40 in one workweek. Compensation will take the form of either 1.5 times hourly rate of pay or 1.5 hours off (compensatory time) for each hour of overtime worked. Compensatory time may be given to non-exempt employees required to work overtime by mutual agreement between the employee and his/her supervisor. Vacation, sick leave, and paid holidays do not count toward “hours worked.”

Except in an emergency, overtime may only be worked with specific approval from or at the direction of the Supervisor and/or City Administrator in advance. Employees are expected to work overtime when requested. An employee who works overtime in a non-emergency situation without prior authorization may be subject to disciplinary action.

1. **PUBLIC WORKS** - Non-exempt public works employees are eligible for overtime pay when they have worked more than 40 hours in a given workweek. Those hours over 40 spent on an emergency situation and/or snow removal and/or repair of water/sewer main breaks will be paid overtime. Any hours over 40 spent on other maintenance tasks will be given to the employee as compensatory time.
2. **POLICE OFFICERS** – All non-exempt police officers are eligible for overtime pay when they have worked more than 80 hours in a pay period. All police officers shall be paid for overtime or given compensatory time, regardless of FLSA classifications, if required by law.

Any employee with Compensatory Time off in excess of sixty (60) hours will be required to meet with their Department Head or City Administrator to schedule the use of Compensatory Time off.

**b) EXEMPT (NON-OVERTIME ELIGIBLE) EMPLOYEES**

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors which is anticipated to be 40 or more hours per week. Exempt employees are not eligible for overtime or compensatory time for the hours worked over 40 in one workweek.

In keeping with the City of Howard Lake’s commitment to comply with the Fair Labor Standards Act (FLSA) the City will pay exempt employees their full salary for any workweek in which they perform work, regardless of the number of days or hours worked, subject only to deductions that are permitted by law. Full-day deductions from pay that are permitted by law include, but are not limited to, use of intermittent leave under the Family and Medical Leave Act, deductions for infractions of written policy, and first and last weeks of employment.

**V. PUBLIC WORKS ON-CALL**

All non-exempt public works employees are expected to take a rotating weeklong on-call shift that runs Friday-Thursday. The on-call is compensation for an employee who must remain available to be called back to work on short notice if an emergency arises. In addition to remaining available to respond to emergencies, the on-call shift also includes regular duties that must be completed every weekend day and

holiday. These duties include opening City facilities including park bathrooms and the compost site, completing daily record logs and maintenance at the Water Plant, checking lift stations, etc.

Employees will be compensated for the week they are on call in an amount determined by the City Council. If employees are called in for an emergency (excluding regular weekend and holiday duties) they will be compensated according to the Call Back Pay Policy (see below).

## **VI. CALL BACK PAY**

Public Works employees called back to work following the completion of the regular working day or their weekend/holiday on-call duties, or on a scheduled day off will receive a minimum of one hour pay at the overtime rate. Call backs must be approved by the employee's supervisor. Call back pay is intended to compensate employees for emergencies and unforeseen circumstances. Reporting early for a shift, shift extensions or schedule changes do not qualify for call back pay.

## **VII. CELL PHONE ALLOWANCE**

Some employee's job duties include the frequent need for a cell phone. These employees may choose a city issued cell phone or they may opt to use their personal cell phone and receive a monthly cell phone allowance in an amount determined by the City Council. No further reimbursement for cell phone costs is available to employees who receive such an allowance.

### **a) ELIGIBILITY**

Employees eligible for a cell phone allowance generally include department heads, supervisors, and full-time employees whose job duties regularly require emergency call back, irregular work hours or other job related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties. The City Administrator shall determine which positions are eligible for cell phone allowances.

### **b) EMPLOYEE RESPONSIBILITIES**

The employee must retain an active cell phone contract as long as a cell phone allowance is in place. The employee must provide their department head with their current cell phone number and immediately notify their department head if the number changes. Employees receiving a cell phone allowance are expected to carry the cell phone on their person both on and off duty and respond when called for city business.

Because the employee owns the cell phone personally, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

## **VIII. VEHICLE ALLOWANCE**

Designated employees may receive a monthly vehicle allowance to cover vehicle expenses related to travel in their personal vehicle in an amount determined by the City Council. No further reimbursement for vehicle use or mileage is available to employees who receive such an allowance.

### **a) ELIGIBILITY**

The City Administrator shall determine which positions are eligible for vehicle allowances.

**c) EMPLOYEE RESPONSIBILITIES**

All employees driving a personal vehicle on City business must maintain a valid driver's license or be driven by a licensed driver and maintain current registration for the vehicle.

## **SECTION: 5 BENEFITS**

### **I. OVERVIEW**

The information in this section is intended to provide employees with a general overview of the City of Howard Lake's benefits. Some benefit programs require contributions from employees. The benefits identified in this policy are subject to change at any time.

### **II. ELIGIBILITY AND ENROLLMENT**

Benefits eligibility is dependent upon a variety of factors. Regular full-time employees are eligible for the City's benefit program while other state and federal programs, all employees are eligible for. In some cases an employee's offer letter may alter benefit eligibility.

### **III. MEDICAL, DENTAL, AND LIFE INSURANCE**

The City offers medical, dental, and life insurance to benefit eligible employees. The carrier, type of health, dental or life insurance policy, and any contributions made towards individual Health Savings Accounts is determined by the City Council. Premium coverage amounts are detailed below.

#### **a) MEDICAL AND DENTAL INSURANCE**

##### **PREMIUMS**

The City pays 100% of the premium for single coverage.

The City pays 75% of the premium for family coverage. The remaining 25% is paid by the employee.

##### **HSA PLAN CONTRIBUTIONS**

Employees that select the HSA plan will receive a contribution from the City per pay period towards their HSA account in the amount determined by the City Council.

##### **OPT-OUT INCENTIVE**

Employees who choose to accept health coverage through another source, such as a spouse's employer or through the military, are eligible to opt-out of the City's medical and/or dental insurance plans. In lieu of medical insurance coverage, the employee would be eligible to receive a contribution from the City in an amount determined by the City Council.

#### **b) LIFE INSURANCE**

The City pays 100% of the premium cost for \$10,000 of term life insurance. Employees have the option to buy up to \$300,000 of coverage at their own cost under the same program.

### **IV. COBRA**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility.

Some common qualifying events include: resignation, termination of employment, death of an employee, a reduction in an employee's hours resulting in loss of insurance coverage, a leave of absence, an employee's divorce or legal separation, dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates. City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage.

## **V. UNEMPLOYMENT INSURANCE AND WORKERS COMPENSATION**

Employees are eligible for unemployment compensation as outlined in M.S. Chapter 268 and workers' compensation as outlined in M.S. Chapter 176. For further information about coverage limits and eligibility, see the City Administrator.

## **VI. ANNUAL LEAVE/PAID TIME OFF (PTO)**

Paid time off replaces individual sick leave and vacation leave and combines them into a single benefit program. Employees accrue paid time off based on length of service with the City of Howard Lake. Years of service will be calculated from the employee's anniversary date unless otherwise stipulated in the employee's offer letter.

Annual leave can be used for any reason, subject to existing request and approval procedures. As with all paid time off programs, the city needs to ensure that service to the public and work requirements are not adversely impacted.

### **a) ACCRUAL RATES**

Regular full-time employees shall receive paid time off hours in accordance with the following schedule:

<b>Years of Service</b>	<b>Accrual Rates</b>	<b>Annual Accrual</b>	<b>Maximum Accrual</b>
0-1	5.23 hours per pay period	136 hours	204 hours
2 – 4	6.00 hours per pay period	156 hours	234 hours
5 – 9	6.92 hours per pay period	180 hours	270 hours
10 – 14	8.31 hours per pay period	216 hours	324 hours
15 - 19	9.85 hours per pay period	256 hours	384 hours
20+	10.77 hours per pay period	280 hours	420 hours

Annual leave will not accrue during unpaid leaves. Annual leave will accrue on a pay-period basis up to a maximum of one-and-one-half times the employee's maximum annual accrual rate as noted above. Employees can carry over any annual leave that does not exceed the stated cap. No additional accrual will occur above the cap. Changes in the accrual rate of annual leave shall be made effective at the beginning of the payroll period following completion of the specified service requirement.

## **b) EXTENDED ILLNESS BANK**

Employees hired prior to 5/20/2019 were hired under sick leave and vacation leave policies. In order to convert those accrued leave balances to paid time off (PTO), remaining sick leave hours were reserved in an individual extended illness bank. The extended illness bank can be used to cover absences requiring an employee to be out of work for more than three (3) consecutive days that would have been covered under the sick leave policy including:

- Employee illness, injury, or disability (including pregnancy)
- Family illness, injury or disability
- medical, dental, or other care provider appointments and procedures for the employee or other family members

Once the extended illness bank is exhausted, employees will use annual leave for all absences covered by the annual leave program. Upon termination of employment, up to 144 hours in the extended illness bank will be paid out at the employee's current rate of pay.

## **c) MEDICAL CERTIFICATION**

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

Any work restrictions must be stated clearly on the return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision.

## **VII. HOLIDAYS**

Regular full-time employees receive a total of 10.5 paid holidays per year. All official holidays shall be considered to commence at the beginning of the first shift on the day on which the holiday is observed and continue for 24 hours thereafter. All observed holidays will consist of 8 hours of pay except for the ½ day on Christmas Eve will consist of 4 hours. Employees on an unpaid leave of absence shall not receive paid holidays. City offices are closed in observance of the holidays listed below.

### **Holiday**

New Year's Day  
Martin Luther King Day  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
Half Day/Christmas Eve  
Christmas Day

### **Date**

January 1  
Third Monday in January  
Third Monday in February  
Last Monday in May  
July 4  
First Monday in September  
November 11  
Fourth Thursday in November  
Fourth Friday in November  
December 24<sup>th</sup> (beginning at noon)  
December 25

If a designated holiday falls on Saturday, it will be observed on the preceding Friday. If a designated holiday falls on Sunday, it will be observed on the following Monday. If Christmas falls on Saturday, both the preceding Thursday (1/2 day) and Friday shall be holidays; if Christmas falls on a Sunday, both the preceding Friday (1/2 day) and the following Monday shall be holidays. If Christmas falls on Monday, the preceding Friday (1/2 day) and Monday itself shall be a holiday.

**a) WORKING ON A HOLIDAY**

Some positions in the City of Howard Lake may require employees to work on holidays. All employees are expected to work on holidays as required if necessary to provide municipal services. Employees may only work on a holiday at the direction of their Department Head or City Administrator. Employees who are scheduled work on a holiday and fail to work will not be eligible for holiday pay and may be subject to disciplinary action. Any non-exempt employee working on an official holiday shall receive a rate of pay at time and one-half their regular straight hourly rate for all work performed on the official holiday. Any full time non-exempt employee working on a holiday shall also receive the corresponding holiday hours as compensatory time or may request the holiday pay to be paid as Holiday Comp Time. Salaried exempt employees who work on holidays will be granted compensatory time for the hours worked on an observed holiday.

**VIII. RETIREMENT**

**a) PERA**

The City of Howard Lake is an active member of the Public Employees Retirement Association (PERA), to provide pension benefits for its eligible employees to help plan for a successful and secure retirement. Participation in PERA is mandatory for most employees, and contributions into PERA begin immediately. The city and the employee contribute to PERA each pay period as determined by state law. Most employees are also required to contribute a portion of each pay check for Social Security and Medicare (the city matches the employee's Social Security and Medicare withholding for many employees). Contact the City Administrator for information about PERA eligibility and contribution requirements.

**b) CONTINUING HEALTH INSURANCE**

Employees electing early retirement after having attained at least age fifty-five (55) and with at least ten (10) years of service with the City of Howard Lake shall be allowed continuing health coverage, both personal and dependent. Full premium cost will be paid by the employee. Coverage terminates at age sixty-five (65) or the death of the employee whichever occurs first, subject only to COBRA continuation, as applicable. (see COBRA Policy)

**IX. FAMILY AND MEDICAL LEAVE**

The City of Howard Lake will grant up to 12 weeks of family and medical leave during any 12 month period to eligible employees in compliance with the Family and Medical Leave Act (FMLA).

- a) ELIGIBILITY** – To be eligible for FMLA leave employees must have worked for the City for at least 12 months and for at least 1,250 hours over the previous 12 months.

- b) **EMPLOYEE NOTICE** – The employee is required to provide thirty (30) days advance leave notice when the leave is “foreseeable”. The written request must include the reasons for the leave and the anticipated length of absence.
- c) **ENTITLEMENT** - FMLA provides eligible employees with up to a combined total of 12 weeks, or 26 weeks for leave related to military service, of unpaid family or medical leave during a 12 month period for any of the following reasons:
1. In conjunction with the birth of a son or daughter or placement of a child in the employee’s household by adoption or foster care
  2. To care for the employee’s spouse, son or daughter or parent, who has a serious health condition.
  3. For a serious health condition that makes the employee unable to perform the functions for the employee’s job.
  4. A covered family member’s active duty or call to active duty in the Armed Forces or Reserves.
  5. To care for an injured or ill service member.
- d) **MAXIMUM PERIOD** - The length of family and medical leaves from employment without pay shall be limited to no more than twelve (12) weeks within any twelve-month period measured forward from the date the employee’s family and medical leave begins. The right to take the birth of placement leave expires at the end of the twelve (12) week period following the birth of placement and must be a continuous leave unless the City and employee agree that the leave may be taken intermittently. The Twelve (12) week leave to care for the employee’s child, spouse or parent or because of the employee’s serious health condition may be taken intermittently or on a reduced work schedule when medically necessary. In the event this leave is taken intermittently or on a reduced work schedule and the leave is foreseeable based on planned medical treatment (such as therapy), the City may require the employee to temporarily transfer to an alternative position of equivalent pay and benefits as required by law.
- e) **REINSTATEMENT** - Employees who are granted a family or medical leave will be reinstated to the same position or an equivalent position as the one they held prior to the commencement of their leave.
- e) **EFFECT ON BENEFITS** - The City will continue to maintain its contribution to the City’s health and dental insurance plan during periods of unpaid leave without interruption on the same basis as though the employee was not on leave. The City reserves the right to recover from the employee all contributions to the City’s health insurance plan paid during the unpaid leave period. If the employee fails to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member, the employee may be exempt from the recapture provision.
- g) **SUBSTITUTION OF PAID LEAVE** - If the employee takes leave for the birth or placement of a child, the employee may substitute accrued paid vacation time for the unpaid leave. The employee is not required to, but may choose to substitute accrued paid sick leave for the portion of their leave during which they are physically unable to report as certified by a physician, due to complications of childbirth only. If the employee takes leave for their own or a family member’s

illness, the employee must use accrued paid sick leave and accrued paid vacation time, in that order, to substitute for unpaid leave.

- h) **MEDICAL CERTIFICATION** - If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the City does require that the request be supported by a medical certification issued by the health care provider of the eligible employee or the family member as appropriate. The City will provide a form for the healthcare provider to complete. The City may also require recertification at reasonable intervals. The City reserves the right to require, at the City's expense, a second opinion from a different health care provider chosen by the City. All medical certifications will be treated as confidential and privileged. In the event the employee fails to provide the requested certification, the employee may be denied the leave until the certification is provided.
- i) **FITNESS FOR DUTY** - The City may require a fitness for duty examination issued by the employee's health care provider to verify the employee's ability to resume work before a return to work is granted.
- j) **ANNIVERSARY DATE** - An employee shall not accrue seniority during unpaid FMLA leave. The employee's anniversary date shall be adjusted for salary and benefit purposes according to the length of the absence.

#### **X. OTHER TYPES OF LEAVE**

Any request for leave of absence without pay shall be submitted in writing by the employee to his/her immediate Department Head or the City Administrator. The request shall state the reason the leave of absence is being requested and the approximate length of time off the employee desires. The City Council or City administrator shall approve leaves of absence.

##### **a) PARENTING LEAVE**

An employee who works 20 or more hours per week and has been employed at least twelve (12) consecutive months is entitled to take an unpaid leave of absence in connection with the birth or adoption of a child. Parenting leave may not exceed six weeks, and must begin not more than six (6) weeks after the birth or adoption of the child.

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

The Employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage will remain available during the leave, with the employee being responsible for his/her share of the costs.

##### **b) BEREAVEMENT LEAVE**

All full time employee may be allowed up to three consecutive working days off with pay for bereavement leave for the death of an immediate family member such as the employee's spouse, child, father, mother, father-in-law, mother-in-law, or grandparent. If the employee desires more than three (3) days off, he/she may ask for time without pay.

The number of days taken for bereavement leave in all cases will be at the discretion of the City Administrator and/or Department Head.

**c) MILITARY LEAVE**

Any employee shall be entitled to a leave of absence, without loss of pay, seniority status, efficiency rating, vacation, sick leave, or other benefits for all the time when he or she is engaged with a reserve force of the United States or the State of Minnesota or other component of the military of the United States in training or active service ordered or authorized by proper authority pursuant to law, whether for State or Federal purposes, but not exceeding a total of fifteen (15) working days in any calendar year.

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

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

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

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

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

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

**d) JURY DUTY AND COURT LEAVE**

Regular employees shall be granted a paid leaves of absence anytime they are required to report for jury duty or to appear before a court, legislative committee, other judicial or quasi-judicial body as a witness in action involving the federal government, State of Minnesota, or a political subdivision thereof in response to a subpoena or other direction by proper authority service. Employees shall be paid the difference between any jury duty compensation they receive and their regular wage for each

day of jury service. Time spent on jury duty will not be counted as time worked in computing overtime.

Any absence, whether voluntary or in response to a legal order to appear and testify in private litigation to which the employee is a party, not as an employee of the City, but as an individual, shall be taken without pay. Employees may choose to use vacation or compensatory time and may keep any per diem payments.

**e) SCHOOL CONFERENCES AND ACTIVITY LEAVE**

Employees who have worked for 12 consecutive months preceding the request and for an average of twenty (20) or more hours per week during that period, may take unpaid leave of up to sixteen (16) hours during any school year, to attend school conferences or classroom activities related to the employee's child, provided the conference or classroom activities cannot be scheduled during non-work hours. When the need for leave during work hours is foreseeable, the employee shall provide reasonable prior notice and make a reasonable effort to schedule the leave to minimize any work disruptions. Employees may choose to use vacation leave hours for this absence, but are not required to do so.

**f) BONE MARROW DONATION LEAVE**

Employees who average twenty (20) or more hours per week may take paid leave, not to exceed (40) hours, and subject to verification, to undergo medical procedures to donate bone marrow.

**g) SICK OR INJURED CHILD LEAVE**

An employee who works twenty (20) or more hours per week and has been employed at least twelve (12) consecutive months may use personal sick leave benefits for absences due to an illness or injury of his/her child for such reasonable periods as the employee's attendance with the child may be necessary on the same terms the employee is able to use sick leave benefits for the employee's own illness or injury. Sick leave benefits do not include short or long term disability or other salary continuation benefits.

**h) ELECTIONS/VOTING LEAVE**

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off without pay for purposes of serving as an election judge, provided that the employee gives the city at least twenty (20) days written notice.

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

**i) UNPAID LEAVE OF ABSENCE**

In situations not covered by the Family and Medical Leave and other statutory leaves, an unpaid leave of up to six (6) months with a possible extension of up to one (1) year with approval of the City Council. Denial of such a leave request shall not be subject to the grievance process.

Personal leaves may be cancelled by the City Council at any time it is found the employee is using the leave for purposes other than those specified at the time of approval or when the interests of the City, as determined by the City Council, require the employee to return to employment.

1. **REINSTATEMENT AFTER LEAVE** – Except as provided by the Family and Medical Leave, any employee returning from an approved unpaid leave of absence as covered by this section shall be entitled to return to employment in his/her former position or another position with job duties and pay if such a position is available.
2. **LIMITATIONS** - Sick leave and vacation leave will not accumulate during any leave of absence without pay; accrued amounts of both sick leave and vacation leave if not used by the employee shall remain on the record at the inception of the leave of absence and shall continue to remain on with the employee and shall be available to the employee upon his/her return. Except under FMLA, if the leave extends for more than thirty-one (31) days, health and dental coverage and life insurance premiums must be paid in full by the employee during such leave or the coverage will lapse. For leaves without pay of thirty-one (31) days or less, the City will continue its normal premium contributions. Failure on the part of the employee to request and receive authorization for an extension before expiration or to notify the Department Head or City Administrator three (3) working days after the expiration of such leave shall be considered a resignation.
3. **AUTHORIZATION** – Authorization for or disapproval of a leave of absence shall be furnished to the employee in writing by the City Administrator.

## **XI. REASONABLE ACCOMODATIONS**

The City of Howard Lake will provide an equal opportunity for disabled persons in their employment with the City as well as provide a bias-free environment for disabled employees, or for disabled persons who seek employment with the City.

The City, upon the employee's request, will engage in an interactive process to determine if a reasonable accommodation can be provided in compliance with the Americans With Disabilities Act (ADA) and the Minnesota Human Rights Act unless such accommodations impose an undue hardship on the city. Potential accommodations will be determined on a case-by-case basis utilizing information such as the employee's job description, a medical examination, review of medical information, or a medical certification that is job-related and consistent with the City's legitimate needs and interests.

## **SECTION 6: EMPLOYEE DEVELOPMENT**

### **I. TRAINING**

The City of Howard Lake is committed to the training of its personnel on a continued basis. This includes both on the job training, classroom study, seminars, conferences, and workshops. Department Heads will be responsible for determining appropriate training of employees for the purpose of improving the quality of services rendered to the City and to assist employees to prepare themselves for advancement.

Conferences, workshops, and training sessions must be job related and used to develop the information and skills of City staff and may be attended upon approval of the Department Head and/or City Administrator. Any cost incurred for an educational course directed by the City shall be reimbursed in total to the employee.

### **II. PERFORMANCE APPRAISALS**

The City performance appraisal system is a tool designed to provide the employee and City with a means to identify strengths, correct deficiencies and thereby improve performance. The performance appraisal system will be primarily based on the employee's position description.

#### **a) PROCEDURE**

1. Performance reviews are to be scheduled on a regular basis, at least annually, and as needed following a probationary period or performance improvement plan. The form, with all required signatures, will be retained as part of the employee's personnel file.
2. Immediate supervisors may conduct employee evaluations. They will hold individual, personal conferences with the employees they evaluate to discuss the performance review.
3. Evaluations will address job strengths, progress, needed improvements and goals for the next evaluation period. Performance standards will be specific, measurable, related to quality, quantity, timeliness of work and other criteria identified by the employee's supervisor or department head.
4. The Department Head and/or City Administrator and the employee must sign and date the performance review before filing it in the Personnel file. If the employee refuses to sign his/her review, the Department Head will sign for the employee stating the employee's refusal to sign.
5. During the probationary period supervisors will monitor employee's performance. Probationary employees, including newly hired, promoted, transferred, demoted, and reclassified or reinstated employees, will normally receive a written evaluation prior to completing the probationary period. A written notice is sent to the employee if their performance is unsatisfactory. A time line to correct the problem will be established. If the employee does not show satisfactory improvement, dismissal will follow.
6. The City may choose to provide a written evaluation at any time it determines that it is in the best interest of the City or the employee. The City may choose to place employees who have previously had performance difficulties or deficiencies on a performance improvement plan, which includes periodic performance appraisals within the period of the performance improvement plan.
7. Employees will receive a copy of the performance appraisal if requested.

## **SECTION 7: CITY POLICIES**

### **I. ETHICAL CONDUCT**

The City of Howard Lake employees become representatives of the city and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Howard Lake. Employees should exhibit conduct that is ethical, professional, responsive, and of standards becoming of a city employee. To achieve this goal, employees must adhere to established policies, rules, and procedures and follow the instructions of their supervisors. Each of the following policies gives further guidance on the expectations of City employees.

Misconduct generally can fall into two categories: behavior that adversely impacts the employee's ability to perform job duties with the trust of the organization and/or public; and behavior that adversely impacts the City's reputation and diminishes the trust of the public.

### **II. CONFLICT OF INTEREST**

Employees shall notify the City Administrator before engaging in any outside employment, activity, or enterprise so the City Administrator and/or the City Attorney may determine if a conflict of interest exists between said employment, activity, or enterprise and the employee's primary employment with the City.

In determining whether such outside employment or activities for private gain constitute a conflict of interest with public duties or are inconsistent or incompatible with public employment, the following shall be considered:

- a) 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.
- b) Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- c) The employee must not use city equipment, resources or staff in the course of the outside employment.
- d) The employee must not violate any city personnel policies as a result of outside employment.
- e) The employee uses information not generally available to the public in the employee's private affairs, which allows him or her to directly or indirectly gain something of value.
- f) If an employee's personal relationships may have inappropriate influence on business decisions.
- g) The employee must not receive compensation from another individual or employer for services performed during hours for which he/she is also being compensated by the city. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- h) Excessive entertainment or other similar activities with City employees from any outside concern, which does or is seeking to do business with the City, may be concern of conflict of interest.

- i) All confidential information performed by employees shall be treated on that basis and shall not be disclosed except for the extent necessary for the protection or interest of the City.
- f) The City Council, in its discretion, will be the final arbitrator of whether a conflict of interest exists. The City expects each of its employees, whether or not involved in other activities or places or employment, to continually and successfully meet the performance and other work expectations of his/her position.

### **III. HARASSMENT PREVENTION AND RESPECTFUL WORKPLACE**

The City strives to maintain a working environment free from offensive or degrading remarks or conduct. Offensive behavior can include, but is not limited to: inappropriate remarks about someone's physical characteristics, age, gender, personal activities, race, national origin, or religion. Offensive behavior may also involve requests to engage in illegal, immoral or unethical conduct, or it could include inappropriate physical contact or physical injury to another person.

It is the policy of the City of Howard Lake to ensure that the workplace and City facilities are free of any form of sexual harassment and discrimination. Such harassment is a violation of the Minnesota Human Rights Act and Title VII of the Civil Rights Act of 1964.

Sexual harassment of or by City employees is strictly prohibited and will not be tolerated. It is the City's policy that all employees are responsible for assuring that the workplace and facilities are free from sexual harassment and discrimination. Engaging in any sexual harassment or discrimination will be considered just cause for disciplinary action up to and including termination. The City of Howard Lake recognizes the continued need to educate its employees and elected/appointed officials on the subject of sexual harassment and discrimination.

#### **a) TYPES OF DISRESPECTFUL BEHAVIOR**

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

1. **Violent behavior:** includes the use of physical force, harassment, bullying or intimidation.
2. **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.
3. **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 supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.

If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor or the city administrator.

4. **Sexual harassment:** can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
  - Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

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

**b) COMPLAINTS**

Any employee or member who believes he or she is being subjected to (or if they see or overhear) disrespectful workplace behavior prohibited by this policy, are encouraged to respond to the situation in one of the ways below. If an immediate threat to our safety or the safety of others may exist, contact law enforcement. Contact your supervisor as soon as possible.

**Step 1 (a)** - If you feel comfortable doing so, immediately demand that the offender(s) stop no matter who the offender is or what position(s) of authority they have.

**Step 1 (b)** – If you fear adverse consequences or if the matter is not resolved, report the incident or behavior to your supervisor or the city administrator. Any supervisor who receives an offensive complaint, or who has reason to believe this type of behavior is occurring, is responsible for reporting these concerns to the City Administrator. If the complaint involves an individual in the employee's direct line of command, then the employee may go to another supervisor with the complaint.

**Step 1 (c)** - If you feel that reporting offensive behavior to the city administrator is either ineffective or impossible, or if they are the cause of the offensive behavior, report the situation to the Assistant City Administrator and/or Chief of Police. You have the right and responsibility to inform a member of the management staff about any problem so appropriate action can be taken.

- Step 2 –** The employee or member making the complaint will be asked to document the nature of the complaint relating to the offensive conduct or communication in writing. The complaint will be reported to the city administrator to determine whether an investigation is warranted.
- Step 3 –** If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. Typically, the investigator will obtain the following description of the incident, including date, time and place:
- Corroborating evidence.
  - A list of witnesses.
  - Identification of the offender.
- 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.

#### **c) CONFIDENTIALITY**

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

#### **d) PENALTIES**

Violations, substantiated through a proper investigation, of this policy may result in discipline, up to and including termination, depending on the severity of the offense and circumstances involved. Discipline will be determined on a case-by-case basis, after a review of the information.

Retaliation against any person who complains, reports or participates in an investigation of harassment or other misconduct is strictly prohibited and may result in discipline up to and including termination.

### **IV. COMMUNICATION (OPEN-DOOR) POLICY**

The City is interested in maintaining a work place that fosters open communication and encourages productive dialogue between employees, their supervisors and their co-workers. An employee's immediate supervisor, the Department Head, the City Administrator, and the City Council all represent

important channels of communication. Employees are able to utilize all of these levels to make suggestions, provide work-related input, and express concerns. When voicing a concern, it is expected that an employee will initially contact his/her supervisor and after that, the City Administrator. The Mayor and City Council are available when appropriate, particularly to ensure that work place concerns are, as much as possible, responded to in a manner that is mutually satisfactory to employees and the City.

## **V. POLITICAL ACTIVITY OF EMPLOYEES**

Absent a conflict of interest, employees are permitted to engage in political activity and hold elected office. The limitations on the exercise of this right are statutory. Specific prohibitions include the following:

- a) No person shall in any manner during hours of employment use their authority or official influence to compel any employee to apply for membership in or become a member of a political organization; to pay or promise to pay a political contribution; or to take part in any political activity.

Any officer or employee who violates these provisions and is found guilty of a violation under Minnesota Statute Section 211B.09 shall be automatically terminated.

- b) No person covered by the rules shall, during their hours of employment, participate in any manner in soliciting, receiving, or paying any assessment, subscription, or contribution for any candidate, party or political purpose. Any person violating this rule will be dealt with under the City of Howard Lake's discipline process.
- c) No officer or employee whose principal employment is in connection with an activity financed in whole or in part by loans or grants made by the United States or a Federal agency, shall:
  - 1. use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
  - 2. directly or indirectly coerce, attempt to coerce, command, or advise a State or Local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
  - 3. be a candidate for partisan elective office if restricted by the Federal Hatch Act (5 USC Sections 1501-1508). (Generally this restriction applies only to individuals who are not holding elective office or are not a duly elected head of an executive department of a municipality and are not classified under a State or Municipal merit system). Specific questions on Political Activity should be addressed to the City Attorney.
- d) An employee must notify the City Administrator and his or her Department Head upon filing for elective office. The Department Head and City Administrator will determine whether the candidacy creates a conflict of interest or the appearance of a conflict of interest. In the event of a conflict of interest, the employee must take an unpaid personal leave of absence or resign from City employment. The leave of absence will continue until the conflict of interest or appearance of conflict of interest is no longer present.
- e) An employee who is not successful in the bid for public office will not be deemed to have a conflict of interest following the results of election or the formal end to the candidacy. In the

event that an employee is elected to a position, the City Council will determine whether a conflict of interest exists with the elected position and continued employment with the City. In the event the City Council determines that there is a conflict, the leave of absence will continue until the employee no longer occupies the elected position or the City Council subsequently determines that there is no conflict of interest.

- f) An employee may request a leave of absence upon becoming a candidate, or during the course of candidacy, for any elected public office.

## **VI. TRAVEL POLICY**

The City of Howard Lake recognizes that its employees and elected officials may at times receive value from traveling within or out of the state for workshops, conferences, events and other assignments. This policy sets forth the conditions under which travel expenses will be reimbursed by the City.

All travel requests must be approved in advance by the department head and city administrator. For travel lasting more than one day a Travel Request Form should be completed. The form should be a complete listing of the total expense for the trip, including expenses paid directly by the city for transportation, lodging, and registration/conference fees. The form must be completed and approved by the city administrator prior to booking.

### **a) TRAVEL AND MEAL ALLOWANCE**

If employees are required to travel outside of the area in performance of their duties as a city employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred.

The city will not reimburse employees for the following expenses:

- meals connected with training or meetings within city limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting,
- alcoholic beverages
- attendance at events sponsored by or affiliated with political parties
- costs associated with the attendance of a family member
- recreational expenses.

Airfare will be reimbursed at the coach rate. Employees who find it necessary to use their private automobiles for city travel and who do not receive a car allowance will be reimbursed at the IRS mileage rate. Mileage will be recorded beginning and ending the trip at the City Hall. If the actual departure point is other than the City Hall, mileage will be reimbursed from the departure point or City Hall, whichever is less of a distance. It is expected that trips for the same place will be pooled whenever possible.

Expenses for meals, including sales tax and gratuity, will be reimbursed according to this policy. No reimbursement will be made for alcoholic beverages. Requests for reimbursement under this provision shall include an itemized receipt.

Receipts are required for lodging, airfare, transportation, and meals and should accompany an expense report form.

## **VII. CITY VEHICLE DRIVING**

City-owned vehicles are to be used only for City business. Only City employees, officials and committee members may drive City vehicles, and all drivers must comply with the following guidelines:

### **a) REQUIREMENTS**

The City expects all employees who are required to drive as part of their job to drive safely and legally while on city business and to maintain a good driving record. All drivers should comply with the following requirements:

1. All drivers must be City employees.
2. All drivers must be properly licensed.
3. All drivers must record driver's license information with the City Administrator.
4. Persons other than City employees are allowed as passengers only when it is necessary for conducting City business.

### **b) DRIVERS LICENSE COMPLIANCE**

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

### **c) ACCIDENTS**

When a City vehicle is involved in an accident, the following procedure will be followed:

1. Check for injury and possible hazardous conditions.
2. Call law enforcement and appropriate emergency help.
3. Remain at the scene of the accident until released by authorities.
4. Get a copy of "Minnesota Accident Report" from the law enforcement officer in charge.
5. Inform your Department Head or City Administrator of accident details immediately upon being released from the accident scene.
6. An accident report must be filed with the City Administrator's office immediately if possible and in no case more than forty-eight (48) hours from the time of the accident.

### **d) TRAFFIC VIOLATIONS**

When a City vehicle is involved in traffic violations, the following procedure will be followed:

1. Traffic violations, including parking violations shall be the sole responsibility of the employee involved.
2. The City Administrator must be notified of all violations.
3. The employee must show documentation of the paid ticket.

## **VIII. EMPLOYEE SAFETY**

The City of Howard Lake recognizes its responsibility to provide a work place in which safety is promoted and hazards are removed, prevented or minimized. Employees are responsible for observing all safety rules and procedures. Some departments may have additional safety rules and procedures specific to their operation in a separate document.

### **a) TRAINING REQUIREMENTS**

Any employee routinely exposed to hazardous substances or harmful physical agents as defined in the Minnesota Employee Right to Know Act of 1983 (Laws 1983, Minn. Stat. 182.65- 182.675) shall be trained before being assigned or reassigned work exposing the employee to such substances or agents and shall be given training annually thereafter. Training shall include an explanation of how and where information about hazards is stored in the workplace, how the hazards are labeled, and where to obtain specific information. The City Administrator, shall provide for such training and for the City's compliance with the Employee Right-to-Know Act, the Workplace Accident and Injury Reduction Act, and other state and federal OSHA-related requirements including: the establishment of a written program, the identification of all hazardous substances, the acquisition and maintenance of Material Safety Data Sheets, and the monitoring of containers for proper labels.

An employee acting in good faith has the right to refuse to work under conditions, which the employee reasonably believes present, an imminent danger of death or serious physical harm to the employee.

### **b) SAFETY EQUIPMENT**

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. If an employee fails to use the proper safety equipment or devices, department heads will report violation to the City Administrator.

### **c) 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 his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job.

## **IX. DRUG FREE WORKPLACE**

The City of Howard Lake recognizes that alcoholism and other drug dependencies are a significant problem that has the potential to cause severe effects in the workplace. In an effort to continue to maintain a drug-free workplace the City adopts the following policy:

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the City's intent to provide a drug-free, safe and secure work environment.

The unlawful manufacture, distribution, possession, or use of a controlled substance 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.

The City recognizes drug dependency as an illness and a major health problem. The City also 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.

Employees must, as a condition of employment, abide by the terms of the above policy and must report any conviction under a criminal drug statute for violations occurring on or off the work premises while conducting City business. A report of the conviction must be made within five days after the conviction as required by the Drug-Free Workplace Act of 1988.

## **X. DRUG & ALCOHOL TESTING**

The abuse of drugs and alcohol is a nationwide problem, which affects persons of every age, race and gender. The City of Howard Lake recognizes that work performance and safety problems are created when employees use or abuse illegal drugs and/or alcohol. The City will provide a safe workplace for its employees and maintain a drug and alcohol free work place. The City has established the following policy on drugs and alcohol with drug and alcohol testing provisions mandated by the Omnibus Transportation Employee Testing Act of 1991.

### **a) DEFINITIONS**

- a. Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- b. Confirmation (or confirmatory) test - In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography) mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine). In alcohol testing, a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.
- c. Drug - any substance (other than alcohol) that is a controlled substance as defined in Minnesota Statutes Section 152.01 Subdv. 4.
- d. Random selection - a mechanism for selection of employees for testing where each employee has an equal chance of being tested each time selections are made.
- e. Reasonable suspicion - the Employer believes the appearance, behavior, speech, or body odors of an employee are indicative of the use of a controlled substance or alcohol based

on the observation of at least one (1) Department Head or official who has received training in the identification of behaviors indicative of drug and alcohol use.

- f. Substance Abuse Professional (SAP) - means a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of the clinical experience in the diagnosis and treatment of alcohol and controlled substance–related disorders.
- g. Removed from duty - employee is relieved from working in a safety sensitive function and all responsibility for performing safety sensitive work.

## **b) APPLICABILITY**

The City may request or require alcohol and/or drug testing of the following individuals and under the following circumstances:

1. Job applicants for positions which require a pre-employment physical, including volunteer firefighters, and applicants for positions which require contact with City vehicles. Testing will not be required or requested unless a job offer has been made to the applicant.
2. The City may test persons in safety-sensitive positions on a random selection basis.
3. Employees who violate provisions of this Policy or the Drug Free Workplace Policy.
4. Employees whom a supervisor has reasonable suspicion to believe are under the influence of drugs or alcohol during employment.
5. Employees who have sustained a personal injury, as that term is defined in Minnesota Statutes Section 176.011, Subd. 16, or have caused another employee to sustain a personal injury.
6. Employees who have caused a work-related accident or who were operating or helping to operate machinery, equipment, or vehicles involved in such a work-related accident.
7. The City may request or require an employee to undergo drug and alcohol testing if the employee has been referred by the City for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.
8. Return – To – Duty Testing. An employee found to have violated this policy should not return to work until after undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a verified negative result for controlled substances.

## **c) TESTING PROCEDURE**

1. **Notification Form.** Before requesting an employee or job applicant to undergo drug or alcohol testing, the employer shall provide the individual with a form on which to

acknowledge that they have seen a copy of the City's drug and alcohol testing policy and indicate consent to undergo the drug and alcohol testing. Employees in safety-sensitive positions are subject to a random selection drug and alcohol testing and will sign consent to participate in this program. '=

If the request is due to reasonable suspicion and consent to testing is provided, the employee must be driven to the designated collection facility.

2. **Test Sample.** All test samples shall be taken at the designated collection facility. Split urine samples will be collected according to FHWA regulation. The collection facility shall be responsible for establishing a reasonable chain of custody procedures. The procedure utilized for collecting samples for testing shall ensure privacy to the extent practicable, considering the need to prevent tampering with the sample.
3. **Laboratory.** The City will use a testing laboratory for drug and/or alcohol testing which is licensed by the Commissioner. The testing laboratory shall use methods of analysis and procedures to ensure reliable drug and alcohol testing results, including standards for initial screening tests and confirmatory tests. The designated testing laboratory will automatically perform a confirmatory test on all samples which test positive. No adverse personnel action will be taken on an initial screening test that has not been verified by a confirmatory test.
4. **Test Report.** Within three business days of the City's receipt of the results, the City will notify the employee/job applicant of the result of the alcohol and drug test and of the individual's rights as specified in this policy and Minnesota Statutes Section 181.953, Subd. 10 or 11.

#### **d) REFUSAL TO UNDERGO TESTING**

Refusal to submit to an alcohol or controlled substance test means that an employee or job applicant fails to consent to undergo testing, fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, fails to provide adequate urine for controlled substances testing without valid medical explanation after he or she has received notice of the requirement for urine testing; or engages in conduct that clearly obstructs the testing process.

Employees: If an employee refuses to undergo drug or alcohol testing requested or required by the City, no such test shall be given and the employee's Department Head may recommend to the City Administrator that the employee be disciplined up to and including termination from employment.

Job Applicants: If a job applicant refuses to undergo drug or alcohol testing requested or required by the City, no such test shall be given and the job applicant shall be deemed to have withdrawn their application for employment.

#### **e) EMPLOYEE/JOB APPLICANT RIGHTS AFTER A TEST**

##### Negative Test Result.

In the event of a negative test result, the employee has the right to request and receive from the City a copy of the test results report.

##### Positive Test Result.

Within five (5) days after receiving notification of a positive test result, an individual may submit any information to explain the result and request, in writing, a confirmatory retest of the original sample at the employee's or job applicant's own expense. At the same time, the individual may request, in writing, release of the frozen sample if the option was chosen. The individual may request that the designated laboratory perform the confirmatory retest or request transfer of the sample to a state licensed testing laboratory of the individual's choosing.

The City shall comply with the employee's request to retest or transfer the sample within three (3) business days. No adverse personnel action will be taken if the confirmatory retest does not confirm the original test.

An employee or job applicant may request and receive from the City a copy of the drug or alcohol test result report.

#### **f) DISCIPLINE**

Any person found to be in violation of this policy is subject to discipline up to and including discharge. Disciplinary actions taken pursuant to this policy are appeal-able pursuant to the procedures established in the Employer's personnel policy and rules or any applicable collective bargaining agreement, but not both.

Nothing in this policy limits or restricts the right of the employer to discipline or discharge an employee for conduct on grounds other than a positive test result in a confirmatory test

#### Job Applicants:

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

#### Employees:

- No Adverse Action without Confirmatory Test. The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- Suspension Pending Test Result. The City may temporarily suspend a tested employee with or without pay, or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the City believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. The employee will be asked to return home, and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.
- Discharge. The City will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:
  - a) The City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The employee must use accumulated sick leave, vacation,

compensatory time and unpaid leave, as needed until the substance abuse professional determines that the employee may return to duty. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and

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

**g) DISCLOSURE**

Test result reports and other data acquired in the drug or alcohol testing process is private data on individuals pursuant to Chapter 13 of the Minnesota Statutes. The information will not be released to any third party without the written consent of the tested individual except under the following circumstances:

- The information may be used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Chapter 43A or other applicable state or local law, or a judicial proceeding, provided that the information is relevant to the hearing or proceeding.
- The information may be disclosed to a federal agency or other unit of the United States government as required by federal law, regulation, order, or in accordance with compliance requirements of a federal government contract.
- The information may be disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

**XI. USE OF TECHNOLOGY**

The City provides employees with technology to assist them with their job responsibilities. This policy establishes guidelines for employee use of technology including but not limited to computers, voicemail, e-mail, cell phones, personal recording devices, the internet, and other information systems.

**a) ACCESS**

All City technology systems are the property of the City of Howard Lake. The City reserves the right to access, retrieve and read any data, messages or files stored on City technology and the right to disclose any data, messages or files without prior consent. The City may restrict access of certain users to various applications and/or the internet. Use of City technology is not private, including use of e-mail and the internet. By using City technology, employees consent to any monitoring of technology that may take place.

**b) EMPLOYEE RESPONSIBILITIES**

Employee use of technology can be associated with the City and should reflect the professionalism of the City. Use of technology should follow the City's guidelines regarding conduct as outlined in the City Policies section of this Personnel Policy.

Prohibited Behavior. Examples of prohibited behavior include:

- Displaying, printing, or transmitting material that contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, threatening, racially offensive, or otherwise violates the City's Harassment Prevention and Respectful Work Place Policy.
- Using the City's technology or allowing someone else to use it for personal profit, commercial product advertisement, or partisan political purposes.
- Posting inappropriate comments or confidential information on social networking sites.

Limit Personal Use. Employees may use technology for personal use provided that it does not interfere with or preempt City business and is done at appropriate times. Personal use of City technology is not private and must comply with all City policies.

Maintain Security. It is extremely important that the City's information systems are security. Employees are responsible for:

- Protecting passwords against unauthorized use.
- Not leaving their computer unattended when confidential information is visible.
- Ensuring private and confidential information is appropriately safeguarded.

A violation of this policy can be the cause for discipline. The disciplinary action imposed will be based on the severity of the violation and not necessarily follow the City disciplinary policy stated elsewhere in this policy manual.

## **POLICY ACKNOWLEDGEMENT**

### **Employee Handbook/Personnel Policy Acknowledgement**

I have received a copy of the City of Howard Lake's Personnel Policy and understand that it is my responsibility to read and comply with the policies and any revisions. I understand that the purpose of the Personnel Policy is to provide employees with information regarding employment with the City of Howard Lake, and that it is not an employment contract.

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**Print Name**

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**Signature**

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**Date**