

**TO:** Mayor Robinson and City Council

**FROM:** Jeff McCormick

**SUBJECT:** Revision of City Personnel Policy

**DATE:** 12-1-16

**BACKGROUND**

The Personnel Committee met in December 2014 to discuss how to address the difference between the MAPE bargaining agreement and the City Personnel Policy regarding vacation time. The Personnel Committee unanimously agreed that the language in the agreement be implemented in the Personnel Policy for department heads effective 1-1-15. The Committee felt that the change made sense for recruiting and retention of qualified persons. During that revision process a review of the entire policy identified other areas such as Veterans Preference and the Drug Testing that needed updating. These revisions were brought to the Personnel Committee, but had not been formalized in the Personnel Policy.

While this revision review work was underway, the League of Minnesota Cities (LMC) (our insurance provider), created a new model personnel policy. The Personnel Committee determined it made more sense to use the newest LMC template to create a new Personnel Policy to replace the existing one that had not been updated since 2010 which is a long time for this type of policy to have remained static without any revisions made. That would ensure that the most recent recommendations by LMC were included.

Because a couple actions approved by the Personnel Committee have been utilized by the City while waiting for formal action, it is recommended that the following sections be approved to have retroactive effective date of 1-1-2015:

- Veteran Preference resulting from changes in the law amount of points awarded.
- Department head vacation accrual rate change due to decertification of collective bargaining unit.

Department heads, HR, Payroll, City Administrator and the City Attorney have reviewed and signed off on this new policy. The Personnel Committee has been actively involved during the process and reviewed the final changes to the Policy under consideration at the November 15 meeting and unanimously approved that the policy be brought to the City Council and recommends approval.

**REQUESTED COUNCIL ACTION**

Motion and approval of the new City Policy Manual dated December 2016 as outlined above.



# **PERSONNEL POLICY HANDBOOK**

**Created July 2009  
Updated May 2010  
Updated December 2016**

*Below you will find a Table of Contents to help navigate through the model personnel policy. Simply hold the Ctrl button on your keyboard and click on the heading with your mouse to bring you directly to the specific section.*

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## INTRODUCTION

### Purpose

- (1) The purpose of these policies is to establish a uniform and equitable system of personnel administration for employees of the City of Cannon Falls. They should not be construed as contract terms for any city employees. No supervisor or City representative has any authority to enter into any agreement for employment for any specific period of time, or to make any agreement contrary to this provision. Nothing in this Personnel Handbook, or in other City policies which may be communicated to the employee, constitutes a contract of employment for any city employee. Only the City Council may authorize entering into employment contracts or collective bargaining agreements. The policies are not intended to cover every situation that might arise and can be amended at any time at the sole discretion of the city. These policies supersede all previous personnel policies. As an employee, you are responsible for complying with current city policies.
- (2) It is the purpose of these policies to establish a uniform and equitable system of personnel administration for employees of the City of Cannon Falls. Their provisions do not establish terms and shall not be construed as contractual provisions. They 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.
- (3) This handbook provides information to you, as an employee of the City of Cannon Falls, about certain terms and conditions of your employment. It is not, and should not be considered, an employment contract. Your continued employment, and the conditions of the employment, is solely within the discretion of the City of Cannon Falls. The handbook summarizes major policies and programs related to your employment. Additional information about many of these policies and programs is available from your department supervisor or the City Administrator. Please take advantage of those resources to assure that you are fully aware of your rights and responsibilities as an employee of the City of Cannon Falls.

Except as otherwise prohibited by law, the City of Cannon Falls 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.

### Scope

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

1. Elected officials
2. City attorney
3. Members of city boards, commissions, and committees
4. Consultants and contractors

**Comment [JM1]:** This section is more detailed than the current policy, but seems appropriate.

**Comment [JM2]:** List approved by City Attorney with #5 added.

## 5. Unpaid volunteers

If any specific provisions of the personnel policies conflict with any current contract or collective bargaining agreement, the contract or collective bargaining agreement will prevail. Collective bargaining employees are encouraged to consult their collective bargaining agreement first for information about their employment conditions. Nothing in these policies is intended to modify or supersede any applicable provision of state or federal law.

These policies serve as an information guide to help employees become better informed and to make their experience with the city more rewarding. Departments may have the need for additional policies or special work rules deemed necessary by the supervisor and approved by the city administrator for the achievement of objectives of that department, which may be more restrictive and those shall prevail within that department. Each employee will be given a copy of any policies or work rules by the department upon hiring and issuance of any modifications, and such policy/rules will be further explained and enforcement discussed with the employee by the immediate supervisor.

### **EEO Policy Statement**

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

### **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.

### **Responsibility**

The city administrator, or designee, will have primary responsibility for implementation and coordination of this policy handbook. All supervisors will be responsible for enforcement within their departments. Employees are responsible to follow this policy and other city/department policies.

## DEFINITIONS

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

### **Authorized Hours**

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

### **Benefits**

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

### **Benefit Earning Employees**

Employees who are eligible for at least a pro-rated portion of city-provided benefits. Such employees must be year-round employees who work at least 32 hours per week or any lesser amount of hours as provided by Federal or State Laws on a regular basis.

### **Core Hours**

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

### **Demotion**

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

### **Direct Deposit**

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

### **Employee**

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

### **Exempt Employee**

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

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

FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings as directed by Law. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers).

### **Fiscal Year**

The period from Jan. 1 to Dec. 31.

**Full-Time Employee**

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

**Hours of Operation**

The city’s regular hours of operation are Monday through Friday, from 8 a.m. to 4:30 p.m. Police, fire, ambulance and public works employees work the schedules established by their supervisors which may be outside the City’s regular hours.

**Leadership Team**

The leadership team for the City is made up of the City Administrator and Management Employees.

**Management Employee**

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

**Non-Exempt Employee**

Employees who are covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime at 1.5 times their regular hourly wage for all hours worked over forty (40) in any given workweek. **The City may, however, establish up to a 28 consecutive day work period for employees engaged in fire protection or law enforcement.**

**Comment [JM3]:** Language recommended by City Attorney

**Part-Time Employee**

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

**Pay Period**

A fourteen (14) day period beginning at 12 a.m. (midnight) on Monday through 11:59 p.m. on Sunday, fourteen (14) days later, or as otherwise determined by the City Council.

**PERA (Public Employees Retirement Association)**

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

**Promotion**

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

**Reclassify**

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

**Seasonal Employee**

Employees who work only part of the year (100 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.

**Service Credit**

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

**Temporary Employee**

Employees who work in temporary positions. Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedule. Temporary employees do not earn benefits or credit for seniority.

**Training Period**

A period at the start of employment with the city that is designated as a period within which to learn the job. The training period is the last part of the selection process.

**Transfer**

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

**Weapons**

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

**Workweek**

A workweek is seven consecutive 24-hour periods. For most employees the workweek will run from Monday through the following Sunday. With the approval of the city administrator, departments may establish a different workweek cycle based on coverage and service delivery needs as provided by the Fair Labor and Standards Act. (e.g., police department)

## CITYWIDE WORK RULES & CODE OF CONDUCT

### Conduct as a City Employee

In accepting city employment, employees become representatives of the city and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Cannon Falls. 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.

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

- Perform assigned duties to the best of their ability at all times.
- Render prompt and courteous service to the public at all times.
- Read, understand, and comply with the rules and regulations as set forth in these personnel policies as well as those of their departments.
- Conduct themselves professionally toward both residents and staff and respond to inquiries and information requests with patience and every possible courtesy.
- Report any and all unsafe conditions to the immediate supervisor.
- Maintain good attendance while meeting the goals set by your supervisor.

### Attendance & Absence

The operations and standards of service in the City of Cannon Falls require that employees be at work unless valid reasons warrant absence or an employee has a position that has been approved to work remotely. In order for a team to function efficiently and effectively, employees must fully understand the goals that have been set for them and the time that is required to be on the job. Understanding attendance requirements is an essential function of every city position.

Non-exempt Employees (eligible for overtime pay) who are going to be absent from work are required to notify their supervisor as soon as possible in advance of the absence. In case of an unexpected absence, employees should call their supervisor before the scheduled starting time and keep in mind the following procedures:

- If the supervisor is not available at the time, the employee should leave a message that includes a telephone number where he/she can be reached and/or contact any other individual who was designated by the supervisor.
- Failure to use the established reporting process will be grounds for disciplinary action.
- The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor.
- Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing.
- The city may waive this rule if extenuating circumstances warranted such behavior.

**Comment [JM4]:** This is LMC language. Much clearer than our current policy. Same basic information, but easier to understand.

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

For budgetary and confidentiality reasons, non-exempt employees are not authorized to take work home or work through lunch without prior approval from their supervisor.

### **Access to and Use of City Property**

Employees who have possession of keys, tools, cell phones, pagers, or other city-owned equipment upon leaving employment with the city, must turned in and account for such items in order to resign in good standing.

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

### **Media Requests**

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

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

No City employee is authorized to speak on behalf of the City without prior authorization from the City Administrator or designee.

All news releases concerning city personnel will be the responsibility of the city administrator or designee.

**Comment [JMS]:** LMC template language.

## Personal Communications and Use of Social Media

It is important for city employees to remember that the personal communications of employees may reflect on the city, especially if employees are commenting on city business. The following guidelines apply to personal communications, including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements:

- Remember that what you write or post is public, and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information or photos that you would not want your boss or other employees to read, or that you would be embarrassed to see in the newspaper. Keep in mind harassment, bullying, threats of violence, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, from home and on home computers.
- The City of Cannon Falls expects its employees to be fair, courteous, and respectful to supervisors, co-workers, citizens, customers, and other persons associated with the city. Avoid using statements photographs, video or audio that reasonably viewed as malicious, obscene, threatening or intimidating, disparaging, or might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of sex, race, national origin, age, color, creed, religion, disability, marital status, familial status, veteran status, sexual orientation, gender identity, or gender expression, status with regard to public assistance or membership or activity in a local commission.
- If you publish something related to city business, identify yourself and use a disclaimer such as, "I am an employee of the City of Cannon Falls. However, these are my own opinions and do not represent those of the City of Cannon Falls."
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. Some examples: a building inspector could not use the city's logo, email, or working time to promote his/her side business as a plumber; a parks employee should not access a park after hours even though he or she may have a key; a clerk, while working at City Hall, should not campaign for a friend who is running for City Council.
- Personal social media account name or email names should not be tied to the city (e.g., CannonFallsCop).

**Comment [JM6]:** New Section within LMC Template that is timely to this update.

## Appearance

Departments may establish dress codes for employees as part of departmental rules. Personal appearance should be appropriate to the nature of the work and contacts with other people and should present a positive image to the public. Clothing, jewelry, or other items that could present a safety hazard are not acceptable in the workplace. Dress needs vary by function. Employees who spend a portion of the day in the field need to dress in a professional manner appropriate to their jobs, as determined by their supervisor. Employees may dress in accordance with their gender identity, within the constraints of the dress codes adopted by the city. City staff shall not enforce

**Comment [JM7]:** The language from the LMC Template was used.



the city's dress code more strictly against transgender and gender diverse employees than other employees.

### **Conflict of Interest**

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

### **Falsification of Records**

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

### **Personal Telephone Calls**

Personal telephone calls regardless if using a City or personal phone are to be made or received only when truly necessary. They are not to interfere with city work and are to be completed as quickly as possible. Please refer to the cell phone policy for information on use of cellular phones.

### **Political Activity**

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

### **Smoking**

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

Smoking of any kind, including pipes, cigars, cigarettes, e-cigarettes, and the use of chewing tobacco, is prohibited for employees while on duty. Employees 18 and over are allowed to smoke only during their breaks and lunch, and only in areas designated for that purpose.

## EMPLOYEE RECRUITMENT & SELECTION

### Scope

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

### Features of the Recruitment System

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

Application for employment will generally be made online or by application forms provided by the city. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the city administrator or designee. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline, in order to be considered for the position.

The deadline for application may be extended by the city administrator or designee. Unsolicited applications will not be kept on file.

The City Administrator or designee shall review completed applications. They shall be ranked according to the qualifications specified in the position description. These rankings will be used as the basis for determining the applicants to be moved forward in the selection process.

All appointments to positions of City employment will be based on merit and qualifications of the applicants for the position to be filled. To evaluate the merit and qualifications of the applicants, criteria will be established for each such position. The criteria established must be capable of being reduced to a 100-point rating system. A 100-point system must be applied to all positions of City employment except for those positions specifically exempted from the Veterans' Preference Act, Minn. Stat. § 43A.11, by Minn. Stat. § 197.46.

Veteran's preference shall be granted to those persons entitled to the same in accordance with Minnesota Statutes, Chapter 197. Proof of military service shall be supplied by the veteran.

In accordance with Minn. Stat. § 43A.11 and Minn. Stat. § 197.455, a credit of ten points will be added to a veteran's rating at the election of the veteran so long as the City position being sought is not exempted from veterans' preference by Minn. Stat. § 197.46. The receipt of the credit is conditional on the veteran obtaining a passing rating under the criteria and 100-point system established for the position without the addition of the credit points.

In accordance with Minn. Stat. § 43A.11 and Minn. Stat. § 197.455, a credit of fifteen points will be added to a disabled veteran's rating at the election of the disabled veteran so long as the City

position being sought is exempted from veterans' preference by Minn. Stat. § 197.46. The receipt of the credit is conditional on the veteran obtaining a passing rating under the criteria and 100-point system established for the position without the addition of the credit points.

**Comment [JM8]:** Revised to the new points provided under MN Statute. Previously approved by personnel, but not acted on at Council.

The spouse of a deceased veteran, or of a disabled veteran who because of the disability is unable to use the preference, is entitled to the same preference. However, eligible spouses of a disabled or deceased veteran must also meet the minimum qualifications in order to receive preference points.

**Comment [JM9]:** Added at recommendation of City Attorney

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

### **Testing and Examinations**

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

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

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

### **Pre-Employment Medical Exams**

The city administrator or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any city position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam, except as provided by law.

When a pre-employment medical exam is required, it will be required of all candidates who are finalists and/or who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records.

When required, the medical exam will be conducted by a licensed physician designated by the city with the cost of the exam paid by the city. When required, the psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist designated by the city with the cost of the exam paid by the city. The licensed provider will notify the city administrator or designee that a candidate either is or isn't medically able to perform the essential functions of the job, with or without accommodations, and whether the candidate passed a drug test, if applicable. If the candidate requires accommodation to perform one or more of the essential functions of the job, the

city administrator or designee will confer with the licensed provider and candidate regarding reasonable and acceptable accommodations. If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination.

### **Selection Process**

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

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

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

**Comment [JM10]:** LMC Template Language. Seems to be appropriate.

### **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. Except where already defined by state law, the city administrator or designee will determine the level of background check to be conducted based on the position being filled.

### **Probation Period**

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

Probation periods apply to new hires, transfers, promotions, and rehires. New employee probation periods are twelve (12) months in duration, but may be extended. Employees being transferred, promoted or rehired (within 24 months) will have a probation period of six (6) months in duration, but may be extended. All positions are considered at-will positions during and after probation, unless otherwise addressed by contract language or law.

**Comment [JM11]:** Changed to probation period from training period to match language used in State Statute regarding veteran rights during probation period.

**Comment [JM12]:** Language recommended by City Attorney

## ORGANIZATION

### Job Descriptions

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

A job description is prepared for each position within the city. Each job description will include: position title, department, supervisor's title, FLSA status (exempt or non-exempt), primary objective of the position, essential functions of the position, examples of performance criteria, minimum requirements, desirable training and experience, supervisory responsibilities (if any), and extent of supervisory direction or guidance provided to position.

In addition, job descriptions should also describe the benefits offered and potential career path opportunities as a means to entice a qualified pool of applicants. Good attendance and compliance with work rules and policies are essential functions of all city positions.

Prior to posting a vacant position the existing job description is reviewed by the city administrator or designee and the hiring supervisor to ensure the job description is an accurate reflection of the position and that the stated job qualifications do not present artificial barriers to employment.

A current job description is provided to each new employee. Supervisors are responsible for revising job descriptions as necessary to ensure that the position's duties and responsibilities are accurately reflected. All revisions are reviewed and must be approved by the city administrator. Significant revisions will be approved by the City Council.

### Assigning and Scheduling Work

Assignment of work duties and scheduling work is the responsibility of the supervisor subject to the approval of the city administrator.

### Job Descriptions and Classifications

Assignment of job titles, establishment of minimum qualifications, and the maintenance of job descriptions and related records is the responsibility of the city administrator or designee.

### Layoff

In the event it becomes necessary to reduce personnel, the selection of employees to be retained will be based on merit and ability as determined by the city administrator, subject to approval of the City Council.

**Comment [JM13]:** Change recommended by City Attorney

## HOURS OF WORK

### Work Hours

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

### Core Hours

To ensure employee availability and accountability to the public the city serves, all full-time non-exempt employees are to be at work or available to the public and co-workers during the hours of 8 a.m. to 4:30 p.m., Monday through Friday, unless away from the work site for a work-related activity or on approved leave. Police, fire, ambulance, library, public works and exempt employees do not have core hours and work the schedules established by their supervisors.

**Comment [JM14]:** Modified by Personnel Committee on October 18, 2016

### Meal Breaks and Rest Periods

A paid fifteen (15) minute break is allowed within each four (4) consecutive hours of work. An unpaid thirty (30) minute lunch period is provided when an employee works eight (8) or more consecutive hours, except sworn police and ambulance employees will be paid during their lunch period as they are subject to call. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time, or lunch time by saving these breaks.

Employees working in city buildings will normally take their break at the place provided for that purpose in each building. Employees working out-of-doors will normally take their break at the location of their work. Employees whose duties involve traveling throughout the city may stop along the assigned route at a restaurant or other public accommodation for their fifteen (15) minute break. Exceptions must be approved by the supervisor or city administrator.

Departments with unique job or coverage requirements may have additional rules, issued by the supervisor and subject to approval of the city administrator, on the use of meal breaks and rest periods or contained within their collective bargaining agreements.

### Adverse Weather Conditions

City facilities will generally be open during adverse weather. Due to individual circumstances, each employee will have to evaluate the weather and road conditions in deciding to report to work or leave early. Employees will be allowed to use accrued vacation time or compensatory time, or with supervisor approval, may modify the work schedule or make other reasonable schedule adjustments. If the city administrator has ordered non-essential city services closed as a result of adverse weather, impacted employees will not have pay or time reduced as a result.

**Comment [JM15]:** Not included in current, but has been the practice. Personnel Committee thought that made sense to follow practice in policy.

Sworn police, ambulance and public works maintenance employees will generally be required to report to work regardless of conditions.

Decisions to cancel departmental programs (special events, recreation programs, etc.) will be made by the respective supervisor or the city administrator.

## COMPENSATION

### Compensation

Full-time employees of the city will be compensated according to schedules adopted by the City Council. Unless approved by the Council, employees will not receive any amount from the city in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

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

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

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

The city cannot retaliate against an employee for disclosing his/her own wages. An employee's remedies under the Wage Disclosure Protection Law are to bring a civil action against the city and/or file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5070 or (800) 342-5354.

### Wage Scale

The City Council will from time to time will approve the wage schedule that has grade and step levels to comply with State and/or Federal requirements for employee compensation.

### Advancing Steps

Full-time employees and eligible part-time employees, not subject to a collective bargaining agreement, movement to a higher step shall occur only on January 1 of each year, unless the employee is at the highest step. Employees beginning employment prior to August 15 shall advance to the next step on the following January 1. Employment beginning August 15 or after shall advance on the second January 1 following employment. Step movements shall only occur if approved by the City Council for that budget year.

### Cost of Living Adjustment



All employees not subject to a collective bargaining agreement shall receive Cost of Living Adjustments (COLA) annually only if approved by the City Council. COLA increases will be effective on January 1 or the date(s) set by the City Council for COLA increases for that budget year.

**Comment [JM16]:** Language that reflects the current practice that helps clarify the section.

### **Acting Department Head**

When an employee is appointed as an Acting Department Head by the City Council because the Department Head is no longer employed by the City or is to be out of work for one month or more the Acting Department Head's salary shall be adjusted to the Step of the Department Head's Pay Grade that represents a one Step salary increase over the employee's current rate of pay for the duration of the time served as Acting Department Head.

### **Direct Deposit**

As provided for in Minnesota law, all employees are required to participate in direct deposit. Employees are responsible for notifying the city administrator or designee of any change in status, including changes in address, phone number, names of beneficiaries, marital status, etc. The city may utilize an issued paycheck in situations where an employee is unable to establish an account required for direct deposit with city administrator or designee approval, until such account can be established.

**Comment [JM17]:** These are very rare, but can occur. This provide flexibility and follows current practice.

### **Time Reporting**

Full-time, non-exempt employees are expected to work the number of hours per week as established for their position. In most cases, this will be 40 hours per workweek. They will be paid according to the time reported on their time sheets. To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a bi-weekly basis. Each time reporting form must include the signature of the employee and immediate supervisor. Reporting false information on a time sheet may be cause for immediate termination.

### **Overtime / Compensatory Time**

The City of Cannon Falls has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The city administrator or designee will determine whether each employee is designated as "exempt" or "non-exempt" from earning overtime. In general, employees in executive, administrative, and professional job classes are exempt; all others are non-exempt. The City Council will approve the designation for all positions.

### **Non-Exempt (Overtime-Eligible) Employees**

All overtime-eligible employees will be compensated at the rate of time-and-one-half for all hours worked over 40 in one workweek. Vacation, sick leave, and paid holidays do not count toward "hours worked", except for sworn police employees who are covered by the Police Exemption allowed under FLSA for an extended workweek between 7 and 28 days, for those employees all time will be considered time worked for computing overtime. Compensation will take the form of

**Comment [JM18]:** Approved by Personnel Committee on June 21, 2016, not acted on by Council.

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

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

The employee's supervisor must approve overtime hours in advance, **except that supervisors may create standing situational approval (i.e., police officer working over because of a call)**. An employee who works overtime without prior approval may be subject to disciplinary action.

**Comment [JM19]:** Added to reflect current practices.

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

The maximum compensatory time accumulation for any employee is 40 hours per year. Once an employee has earned 40 hours of compensatory time in a calendar year, no further compensatory time may accrue in that calendar year. All further overtime will be paid. Employees may request and use compensatory time off in the same manner as other leave requests.

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

## **Overtime Required**

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

## **Exempt (Non-Overtime-Eligible) Employees**

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors. Generally, to meet these expectations, and for reasons of public accountancy, an exempt employee will often work more than 40 hours per week and are not paid overtime for hours in excess of 40 hours per week and similarly shall be able to be absent in consideration of extraordinary time expenditures. Exempt employee's duties require work outside the normal workday for meetings and projects. To that end, exempt employees will work flexible hours as is necessary to discharge the duties of their position.

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

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

Exempt employees are required to use paid leave when on personal business or away from the office unless flexible hours are being utilized as provided above. Notification and approval requirements may be adopted by the city administrator for specific situations as determined necessary. If an exempt employee is regularly absent from work under this policy and it is found that there is excessive time away from work that is not justified, the situation will be handled as a performance issue.

If it appears that less than forty (40) hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to determine whether a part-time position will meet the needs of the city.

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

- The employee is in a position that does not earn vacation or personal leave and is absent for a day or more for personal reasons not covered by sick time usage.
- The employee is in a position that earns sick leave, receives a short-term disability benefit or workers' compensation wage loss benefits, and is absent for a full day due to sickness or disability, but he/she is either not yet qualified to use the paid leave or he/she has exhausted all of his/her paid leave.
- The employee is absent for a full workweek and, for whatever reason, the absence is not charged to paid leave (for example, a situation where the employee has exhausted all of his/her paid leave or a situation where the employee does not earn paid leave).
- The very first workweek or the very last workweek of employment with the city in which the employee does not work a full week. In this case, the city will prorate the employee's salary based on the time actually worked.
- The employee is in a position that earns paid leave and is absent for a partial day due to personal reasons, illness, or injury, but:
  - Paid leave has not been requested or has been denied.
  - Paid leave is exhausted.
  - The employee has specifically requested unpaid leave.
- The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
- The employee takes unpaid leave under the FMLA.
- The City of Cannon Falls may for budgetary reasons implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

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

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

The City Council may approve to allow additional compensation at an overtime rate to exempt employees beyond their normal salary and hours worked in excess of 40 hours, in situations where the city is receiving reimbursement for the exempt employee's additional work from either a contracted or grant reimbursement, or due to emergency event that the Mayor has made declaration of an local emergency and exempt employees are required to work hours beyond normal to address the emergency, and the Council has approved the extra pay and the City has become eligible for reimbursement of expenses resulting from the emergency event.

**Comment [JM20]:** This is an addition to address two types of situations that have occurred in the past.

First is TZD or contracted events for police or contracted standby of the ambulance.

The second is, the situation we found ourselves in during floods. Because it was not OT, we were not able to be reimbursed by FEMA for the significant hours exempt employees worked, because we did not have a policy in place to provide overtime pay to exempt employees in emergencies. This does meet the FLSA standards that allows OT to be paid to exempt employees.

## **BENEFITS**

### **Health, Dental, Life Insurance**

The City may contribute a monthly amount toward group health, dental and life insurance benefits for each eligible employee and his/her dependents. The amount to be contributed and the type of coverage will be determined annually by the City Council. If an employee chooses not to participate in the City's health insurance plan and can show that they are covered under a different health insurance plan they will be reimbursed at an amount set by the City Council in lieu of participating in the City's health insurance plan.

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

### **Retirement/PERA**

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

### **Tuition Reimbursement**

To be considered for tuition reimbursement the employee must be in good standing and have been employed by the City for at least one year. All requests for tuition reimbursement will be considered on a case-by-case basis by the City Administrator, with final approval/disapproval provided by the City Council.

Courses taken for credit at an approved educational institution must meet the following criteria to be approved for reimbursement:

- Courses must be directly related to the employee's present position (whether required for a degree program or not); OR
- Courses must be directly related to a reasonable promotional opportunity in the same field of work as present position (whether part of a degree program or not). AND

The City will pay the cost of tuition upon successful completion (C grade or better; "pass" in a pass/fail course) of the approved course. Reimbursements will be prorated for part-time employees. Employees must reimburse the City if they voluntarily leave employment within twelve (12) months of receiving tuition reimbursement from the City.

## HOLIDAYS

### Holidays

The City observes the following official holidays for all regular full-time and part-time employees:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Day

Employees, who are not temporary and work thirty-two (32) hours or more weekly, will receive one (1) floating holiday (to be taken at the employee's discretion, but must be used in year earned).

Employees, who are not temporary and work thirty-two (32) hours or more weekly, will receive one (1) additional floating holiday as a longevity award upon the employee's length of service during the following years of service:

Upon 10 years of service and at five (5) year intervals thereafter, will be awarded for that year only (to be taken at the employee's discretion, but must be used in year earned).

Official holidays commence at the beginning of the first shift of the day on which the holiday is observed and continue for twenty-four (24) hours thereafter.

Full-time ambulance employees, except the Ambulance Director, shall receive their holiday pay as a lump payment to be paid out with the first paycheck issued on Thanksgiving Day or after each year rather than during the pay period in which it falls.

When a holiday falls on a Sunday, the following Monday will be the "observed" holiday and when a holiday falls on a Saturday, the preceding Friday will be the "observed" holiday for City operations/facilities that are closed on official holidays.

Full-time employees will receive pay for official holidays at their normal straight time rates, provided they are on paid status on the last scheduled day prior to the holiday and first scheduled day immediately after the holiday.

Part-time employees, who are not temporary, will receive holiday pay utilizing their average hours worked the previous two (2) pay periods immediately before the pay period containing the holiday. The holiday hours will be determined by taking the total hours worked in the identified periods, divided by 160, then multiplied by 8.

Premium pay of 1.5 times the regular hourly wage for employees required to work on a holiday will be for hours worked on the "actual" holiday as opposed to the "observed" holiday.

Holiday hours may not be split.

**Comment [JM21]:** Added to reflect current practices.

Employees wanting to observe holidays other than those officially observed by the City may request either vacation leave or unpaid leave for such time off.

### **Floating Holidays**

Full-time employees receive one (1) floating holiday (to be taken at the employee's discretion, must be used in year received).

Part-time employees who work 32 hours or more a week will receive one (1) floating holiday (to be taken at the employee's discretion, must be used in year received), the hours of that floating holiday will be the average hours worked the previous two (2) pay periods immediately before the pay period of the holiday. The holiday hours will be determined by taking the total hours worked divided by 160, then multiplied by 8.

**Comment [JM22]:** Added to reflect current practices.

A second floating holiday as a longevity award upon the employee's length of service during the following years of service:

Upon ten (10) years of service and at five (5) year intervals thereafter one additional floating holiday will be awarded for that year only.

## **LEAVES OF ABSENCE**

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

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

### **Sick Leave**

Sick leave is authorized absence from work with pay, granted to qualified full-time and part-time employees. Sick leave is a privilege, not a right. Employees are to use this paid leave only when they are unable to work for medical reasons and under the conditions explained below. Sick leave does not accrue during an unpaid leave of absence.

- Full-time employees will accumulate sick leave at a rate of one (1) day per month.
- Part-time employees regularly scheduled to work at least 32 hours per week will accrue sick leave on a pro-rated basis of the full time employee schedule.
- Part-time employees regularly scheduled to work fewer than 32 hours per week will not earn or accrue sick leave.
- Temporary and seasonal employees will not earn or accrue sick leave.

- Sick leave may be used only for days when the employee would otherwise have been at work. It cannot be used for scheduled days off.

**Sick leave may be used as follows:**

- When an employee is unable to perform work duties due to illness or disability (including pregnancy).
- For medical, dental or other care provider appointments.
- When an employee has been exposed to a contagious disease of such a nature that his/her presence at the work place could endanger the health of others.
- To care for the employee’s injured or ill children, including stepchildren or foster children, for such reasonable periods as the employee’s attendance with the child may be necessary.
- To take spouse/partner, child, sibling, parent, parent-in-law, grandchild, grandparent, or stepparent to a medical, dental or other care provider appointment.
- To care for an ill spouse/partner, child, sibling, parent, parent-in-law, grandchild, grandparent, or stepparent.
- Safety leave, Employees are authorized to use sick leave for reasonable absences for themselves or relatives ( spouse/partner, child, sibling, parent, parent-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee’s child, is limited to 160 hours in any 12-month period.

Pursuant to Minn. Stat. §181.9413, eligible employees may use up to 160 hours of sick leave in any 12-month period for absences due to an illness of or injury to the employee’s adult child, spouse/partner, sibling, parent, grandparent, stepparent, parent-in-law (mother-in-law and father-in-law), and grandchild (includes step-grandchild, biological, adopted, or foster grandchild).

**Comment [JM23]:** LMC Template language

After accrued sick leave has been exhausted, vacation leave may be used upon approval of the city administrator, to the extent the employee is entitled to such leave.

**To be eligible for sick leave pay, the employee will:**

- Communicate with his/her immediate supervisor, as soon as possible after the scheduled start of the work day, for each and every day absent;
- Keep his/her immediate supervisor informed of the status of the illness/injury or the condition of the ill family member;
- Submit a physician’s statement upon request.

After an absence, a physician’s statement may be required on the employee’s first day back to work, indicating 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. Sick leave may be denied for any employee required to provide a doctor's statement until such a statement is provided.

The city has the right to obtain a second medical opinion to determine the validity of an employee's workers' compensation or sick leave claim, or to obtain information related to restrictions or an employee's ability to work. The city will arrange and pay for an appropriate medical evaluation when it is required by the city.

Any employee who makes a false claim for sick leave will be subject to discipline up to and including termination.

Employees must normally use sick leave prior to using paid vacation, or compensatory time and prior to an unpaid leave of absence during a medical leave, except where Parenting Leave under Minnesota law and the medical leave overlap.

Sick leave will normally not be approved after an employee gives notice that he or she will be terminating employment. Exceptions must be approved by the city administrator.

Sick leave can be transferred from one employee to another per the City's Leave Donation Policy.

On each January 2nd, employees who maintain (384) hours of accrued sick leave will have (24) hours removed from their balance and applied at their current hourly rate to provide an amount of cash that will be contributed to the employee's Health Savings Account. On each January 2nd, employees with sick leave accrual greater than (720) hours will have (48) hours of pay contributed to their Health Savings Account.

The maximum accumulation for sick leave is 960 hours.

## **Vacation Leave**

### Vacation Leave Schedule

Years of Service	Annual Accrual
1 - 4 Years	10 Days
5 - 9 Years	15 Days
10 - 14 Years	20 Days
15 - 19 Years	25 Days
20+ Years	30 Days

### **Eligibility**

Full-time employees, except management employees will earn vacation leave in accordance with the above schedule.

Part-time employees who work at least 32 hours per week on a regular basis will accrue vacation leave at a rate of 50% of the full-time employee schedule.

Part-time employees who work less than 32 hours per week on a regular basis, temporary and seasonal employees will not earn or accrue vacation leave.

Full-time management employees shall negotiate as part of the hiring process the starting hours for vacation, but shall be no less than 10 days.

**Comment [JM24]:** Addressed the issue from MAPE agreement disbandment. Approved by personnel in December 2014, but not acted on by Council.

### Accrual Rate

For the purpose of determining non-management employee's vacation accrual rate, years of service will include all continuous time that the employee has worked full-time at the City (including authorized unpaid leave). Employees who are rehired after terminating City employment will not receive credit for their prior service unless specifically negotiated at the time of hire.

Management employees shall accrue eight (8) additional hours annually on their anniversary date, for each year of service since date of hire to a maximum of 280 hours earned annually.

**Comment [JM25]:** Addresses the issue from MAPE agreement disbandment. Approved by personnel in December 2014, but not acted on by Council.

### Earnings and Use

After six months of service, vacation leave may be used as it is earned, subject to approval by the employee's supervisor.

An employee will not earn any vacation leave for any pay period unless he/she is employed by the City on the last scheduled work day of the pay period.

Requests for vacation must be received at least forty-eight (48) hours in advance of the requested time off. This notice may be waived at the discretion of the supervisor and City Administrator. Vacation can be requested in increments as small as one hour up to the total amount of the accrued leave balance. Vacation leave can be transferred to another employee per the City's Leave Donation Policy.

Employees may accrue vacation leave up to a maximum of 320 hours. No vacation will be allowed to accrue in excess of this amount without the approval of the City Council. Vacation leave cannot be converted into cash payments except as provided by the severance pay provision of this policy.

### Funeral Leave

Employees will be permitted to use up to three (3) consecutive working days, with pay, as funeral leave upon the death of an employee's child, spouse/partner, sibling, parent, grandparent, stepparent, parent-in-law and grandchild (includes step-grandchild, biological, adopted, or foster grandchild). This paid leave will not be deducted from the employee's vacation or sick leave balance.

The actual amount of time off, and funeral leave approved, will be determined by the supervisor or city administrator depending on individual circumstances (such as the closeness of the relative, arrangements to be made, distance to the funeral, etc.).

**Comment [JM26]:** Change approved by Personnel Committee on June 21, 2016. Language is from LMC model policy

## **Leave Donation**

With the express written consent of the city administrator, employees having accrued sick leave, vacation leave and/or compensatory leave will be allowed to donate a portion of such accrued leave to fellow employees experiencing a major medical condition suffered by the employee, the employee's spouse/partner, or the employee's children. A major medical condition is considered to be a severe illness, major surgery or other physical ailment that causes or is expected to cause an absence from work for fifteen (15) working days or more in a twelve (12) month period. The major medical condition must be supported by a physician's statement to be eligible for consideration.

An employee is only eligible to receive donated sick leave, vacation leave and/or compensatory leave for normal work hours lost due to a major medical condition as defined above.

An employee will be eligible to receive donated sick leave, vacation leave and/or compensatory leave only after the employee's own accrued sick leave, compensatory leave, vacation leave and any other accrued leave have been exhausted.

A full-time employee will be allowed to receive up to sixty (60) days (480 hours) of donated sick leave, vacation leave and/or compensatory leave for any single major medical condition. A regular part-time employee will be allowed to receive up to twenty (20) days (160 hours) of donated sick leave, vacation leave and/or compensatory leave for any single major medical condition.

An employee may only use donated sick leave, vacation leave and/or compensatory leave up to the time of eligibility for the any long-term disability benefit (if applicable) or for the maximum number of days allowed to be donated, whichever occurs first.

A full-time employee may donate no more than 40 hours of sick leave, vacation leave and/or compensatory leave to each requesting employee per calendar year. A regular part-time employee may donate no more than 20 hours to each requesting employee per calendar year. In no circumstances can the amount donated account for more than twenty-five (25) percent of the employee's sick leave, vacation leave and/or compensatory leave balance.

Donations must be on an hour-for-hour basis. For every one (1) hour of sick leave, vacation leave and/or compensatory leave donated by the donor, the recipient will be credited with one (1) hour of sick leave. The pay levels of the two employees shall not affect the transaction.

Donation of accrued sick leave, vacation leave and/or compensatory leave must be in whole hours, with a minimum of two hours per employee surrendering leave hours.

A written request using the appropriate form available through the Human Resource Department to donate sick leave, vacation leave and/or compensatory leave must be submitted to the department

head of the employee who is being considered for receiving the donated leave. The department head shall review and submit to the city administrator for final consideration. Employees shall not independently solicit donations. Donations shall remain anonymous.

Donation of leave will not be allowed once an employee is judged to be disabled by the major medical condition and will not be returning to work. Employees receiving Worker's Compensation benefits from a City related injury or illness are not eligible to receive donations.

~~No provisions of the leave donation policy, or its administration, shall be subject to review under the grievance or arbitration provisions of any collective bargaining agreement.~~

**Comment [JM27]:** Removed at recommendation of City Attorney

The city administrator has the right to deny and/or limit donation requests as deemed necessary and in the best interest of the City of Cannon Falls.

The donated sick leave, vacation leave and/or compensatory leave will be subtracted from the donor's regular accumulated sick leave, vacation leave and/or compensatory leave balance and a credit reflecting the donated hours will be provided to the requesting employee's sick leave.

Donated leave cannot be used for any severance pay, or paid out to an employee in the form of cash or used in any other manner other than what is stated in this policy.

### **Unpaid Leave**

Unpaid leaves may be approved in accordance with the city personnel policies. Employees must normally use all accrued annual leave prior to taking an unpaid leave. If the leave qualifies under Parenting Leave or Family and Medical Leave, the employee may retain a balance of forty (40) hours when going on an unpaid leave. Any exceptions to this policy must be approved by the city administrator.

### **Military Leave**

State and federal laws provide protections and benefits to city employees who are called to military service, whether in the reserves or on active duty. Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 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.

### **Jury Duty**

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

Employees excused or released from jury duty during their regular working hours will report to their regular work duties as soon as reasonably possible or will take accrued vacation or compensatory time to make up the difference.

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

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

### **Court Appearances**

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

### **Victim or Witness Leave**

An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, or is the spouse/partner or immediate family member (immediate family member includes parent, spouse/partner, child or sibling of the employee) of such victim, reasonable time off from work to attend criminal proceedings related to

the victim's case. [See Safety Leave under the Sick Leave Policy for additional information on leave benefits available to employees and certain family members].

### **Job Related Injury or Illness**

All employees are required to report any job-related illnesses or injuries to their supervisor immediately (no matter how minor). If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In the case of a serious emergency, 911 should be called.

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

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

### **Pregnancy and Parenting Leave**

Employees who work twenty (20) hours or more per week and have been employed more than one year are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions as well as a biological or adoptive parent in conjunction with after the birth or adoption of a child as eligible for up to 12 weeks of unpaid leave and must begin within twelve (12) months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital. Employee should provide reasonable notice, which is at least fourteen (14) days. If the leave must be taken in less than three days, the employee should give as much notice as practicable.

Employees are not required to use accrued sick leave time during Parenting Leave but may use sick leave at their option for any period of this leave for which 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 in effect during the six (6) weeks while the employee is on leave pursuant to the Pregnancy and Parenting Leave Act. For employees on an FMLA absence as well, the employer contributions toward insurance benefits will continue during the FMLA leave absence.

If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently.

### **Administrative Leave**

Under special circumstances, an employee may be placed on an administrative leave pending the outcome of an internal and/or external investigation. Department Heads or the City Administrator has the authority to place an employee on paid administrative leave for up to five (5) days. Department Heads placing an employee on leave shall notify the City Administrator as soon as practical. Unpaid administrative leave or administrative leave longer than five (5) days will be with the approval of the City Council, except the Chief of Police or his/her designee shall place sworn employees on paid administrative leave if they are involved in the use of deadly force resulting in the injury or fatality to any person, as provided by police department policy.

**Comment [JM28]:** Language recommended by the City Attorney

### **Adoptive Parents**

Adoptive parents will be given the same opportunities for leave as biological parents (see provisions for Parenting Leave). The leave must be for the purpose of arranging the child's placement or caring for the child after placement. Such leave must begin before or at the time of the child's placement in the adoptive home.

### **School Conference Leave**

Any employee who has worked half-time or more for more may take unpaid leave for up to a total of sixteen (16) hours during any 12-month period to attend school conferences or classroom activities related to the employee's child (under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the city. Employees may choose to use vacation leave hours for this absence, but are not required to do so.

### **Bone Marrow Donation Leave**

Employees working an average of 20 or more hours per week may take paid leave, not to exceed 40 hours unless agreed to by the city, to undergo medical procedures to donate bone marrow. The city may require a physician's verification of the purpose and length of the leave requested to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

### **Elections / Voting**

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 ten (10) 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.

### **Regular Leave without Pay**

The city administrator may authorize leave without pay for up to thirty (30) days. Leave without pay for greater periods may be granted by the City Council to a maximum of one (1) year.

Normally employee benefits will not be earned by an employee while on leave without pay. However, the city's contribution toward health, dental and life insurance may be continued, if approved by the City Council, for leaves of up to ninety (90) days when the leave is for medical reasons and FMLA has been exhausted.

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

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

To qualify for leave without pay, an employee need not have used all sick leave earned unless the leave is for medical reasons. (An employee absent for Parenting Leave is not required to use sick leave). Leave without pay for purposes other than medical leave or work-related injuries will be at the convenience of the city.

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

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

### **Family and Medical Leave**

The Family and Medical Leave Act of 1993 ("FMLA") allows employees to balance their work and family life by taking reasonable unpaid leave for certain family and medical reasons. FMLA provides certain employees with up to 12 work weeks of unpaid, job-protected leave a year, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.

**Qualifications and Circumstances Covered by FMLA (see Servicemember Leave in this policy for additional information)**



An employee is eligible for FMLA leave if the employee has worked for the city for at least 12 months and at least 1250 hours within the twelve month period preceding the leave. The 12 months of employment need not be consecutive but certain guidelines apply. A qualifying employee may be absent from work up to 12 work weeks in any 12-month period for one or more of the following:

- Because of the birth of a child of the employee and in order to care for such child.
- Because of the placement of a child with the employee for adoption or foster care.
- In order to care for the spouse, son, daughter, or parent of the employee, if that person has a serious health condition. A determination of whether an adult child, 18 years or older, has a disability and therefore is incapable of self-care should be made at the time leave is to commence. The employee does not have to be the only individual or family member available to care for the qualified family member.
- Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

FMLA defines “serious health condition” as an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care in a hospital, hospice, or residential medical-care facility, or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider which includes:
  - A period of incapacity due to a health condition (including treatment therefore, or recovery there from) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
    - Two visits to a health care provider, which must occur within 30 days of the beginning of the period of incapacity unless extenuating circumstances exist preventing a follow-up visit from occurring as planned by the health care provider ; or
    - One visit to a health care provider and a regimen of continuing treatment, such as prescription.

In both cases, the first (or only) in-person treatment must occur within seven days of the first day of incapacity. The health care provider, not the employee or patient, decides if a second visit during the 30 day period is required.

- A period of incapacity due to pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
- A period of incapacity, and treatment for it, due to a chronic serious health condition which continues over an extended period of time, requires the employee to visit his/her healthcare provider at least twice per year, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
- Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated.

## **Employee Responsibilities**

### Foreseeable Leave:

The employee must provide at least 30 days' notice if his/her request for FMLA leave is foreseeable, and if such notice is not possible, the employee must give notice as soon as possible and practicable, taking into account all the facts and circumstances of the individual case. The city may ask the employee questions to confirm whether the leave is needed or qualifies for FMLA purposes. Employees must respond to the city's inquiries designed to determine whether leave is FMLA qualifying or risk losing FMLA protection if the city is unable to determine whether the leave qualifies. A form to request FMLA leave can be obtained from human resources.

### Unforeseeable Leave:

The employee must give notice of an unforeseeable leave as soon as possible and practicable (usually same day or next business day), taking into account all the facts and circumstances of the individual case. The employee must provide sufficient information to put the city on notice that the absence may be FMLA protected. If an employee calls in without providing adequate information, such notice will be considered sufficient notice to trigger the city's obligation under the Act. The city will inquire for additional information, and the employee is obligated to respond to the city's inquiries in order to determine whether the leave requested qualifies for FMLA. Failure of the employee to respond to the city's inquiries may result in denial of FMLA protection.

### Employer Designated Leave:

An employee need not assert his/her rights under the FMLA or even mention the FMLA to put the employer on notice of the need for FMLA leave. Depending on the situation, information such as the following qualifies as sufficient information for the city to become aware that FMLA rights may be at issue: the employee is unable to perform the functions of the job, the employee is pregnant, the employee has been hospitalized overnight, the anticipated duration of the absence exceeds three days, and the employee (or family member) intends to visit a health care provider or is receiving continuing treatment. The city reserves the right to place eligible employees on FMLA leave, and will do so in writing.

### Medical Certification

The city may require a medical certification which includes the date on which the condition commenced, the probable duration of the condition, and a statement of the medical reasons or other necessity for the leave from the employee's or family member's doctor. For both foreseeable and unforeseeable FMLA leave, the employee must submit to the city a complete medical certification with 15 days of the leave request. The city may contact an employee's healthcare provider directly, but only for clarification and authentication of a medical certification. A certification is considered incomplete if the city receives a certification that is vague, ambiguous, non-responsive and/or one or more of the applicable entries have not been completed. If the city receives a medical certification that is incomplete or insufficient, the city will state in writing what additional information is necessary, and the employee has seven calendar days to cure the deficiency or notify the city that he/she is unable to obtain the additional information despite diligent good faith efforts. If the deficiencies are not corrected in the resubmitted certification, the city may deny FMLA leave. A certification never submitted to the city constitutes a failure to provide certification. It is the employee's responsibility either to provide a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary

authorization from the employee or the employee's family member in order to obtain a sufficient and complete certification to the employer.

**Planned Medical Treatments**

An employee who takes intermittent leave for a planned medical treatment has an obligation to make a reasonable effort to schedule the treatment so as not to disrupt unduly the city operations. The appointing authority may require the employee to temporarily transfer to another equivalent position that better accommodates recurring periods of leave than the regular position of the employee.

**Additional Certification Requirements:**

The city may require periodic reports on the employee's status and intent to return to work after the leave. The city may require the employee to provide an annual medical certification in those circumstances of a serious health condition of the eligible employee or of the son, daughter, spouse, or parent of the employee, which extends beyond a year. The appointing authority may require the employee to obtain a second opinion from a doctor of the city's choice at the city's expense. If the second opinion differs from the first opinion, the appointing authority may require the employee to obtain a third opinion from a doctor jointly selected by the city and the employee at the city's expense. The third opinion is final and binding. The city may require subsequent medical re-certifications every 30 days. In cases where the minimum duration of the condition exceeds 30 days, the city may require a re-certification when the minimum duration expires or in 6 months, whichever is less. Re-certification may also be requested by the city in less than 30 days if the employee requests an extension of leave, the circumstances have changed significantly based on the duration or frequency of the absence or the nature or severity of the illness, or if the city receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

**FMLA Certification and ADA/Workers' Compensation Laws**

Where a serious health condition also may be a disability under the ADA or worker's compensation laws the city is not prevented from following the procedures under the ADA or worker's compensation laws for requesting medical information. In addition, information received pursuant to such procedures may be considered in determining the employee's entitlement to FMLA leave.

**FMLA Leave Period and Benefits**

An eligible employee receives up to a maximum of 12 work weeks of unpaid leave during any 12-month period.

**Leave for Pregnancy, Birth, Adoption or Foster Care:**

Leave after the birth of a healthy child or leave for adoption or foster care must be concluded within 12 months from the child's birth or date of placement. Leave for adoption or foster care may commence before the actual birth or adoption if an absence from work is necessary for the placement for adoption or foster care to proceed.

**Intermittent Leave:**

Under some circumstances, in lieu of the continuous 12-week leave, the employee may take time off on an intermittent basis or in the form of a reduced work week, not to exceed a total of 480 hours per 12-month period. When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if approved by the department director and human resources. A 12-month period means a time period measured forward from the first date the employee is absent from work on a FMLA leave.

FMLA Leave and Accrued Leave:

The leave will be unpaid except that the employee will be required to use accrued sick leave, accrued vacation, compensatory time and floating holiday leave. In the case of a leave for birth, adoption, or placement of a child an employee will not be required to use accrued sick leave, accrued vacation, compensatory time and floating holiday leave for the first six weeks of the leave. The employee may elect to maintain 40 hours of vacation leave, and not use the 40 hours bank during the leave. The unpaid FMLA leave and the paid leave provided by the city run concurrently. If, at some point during the leave, the employee no longer has leave pay available, the employee will be placed on an unpaid FMLA leave of absence for the remainder of the available leave. If an employee has additional sick leave at the end of the FMLA leave and is unable to return to work due to a medical condition, the employee is entitled to use the remaining balance of accrued sick leave. Employees must follow all terms and conditions of the city's personnel policies and union agreements regarding paid leave.

The employee will not accrue benefits such as vacation and sick leave while on unpaid FMLA leave. Use of approved leave, whether paid or unpaid, will not constitute a break in service for purposes of computing years of service. The use of sick leave, vacation, compensatory time and/or floating holiday leave occurs simultaneously with the FMLA leave, and does not extend the length of the leave.

FMLA Leave and Holiday Pay

If an employee needs less than a full week of FMLA leave, and a holiday on which the employee would not otherwise have been required to work falls within the partial week of leave, the hours that the employee does not work on the holiday will not be counted against the employee's FMLA leave entitlement. If an employee needs a full week of leave in a week with a holiday, the hours the employee does not work on the holiday will count against the employee's FMLA leave.

FMLA Leave and Light Duty

An employee who voluntarily performs "light duty" work, time spent doing such work will not count against an employee's FMLA leave entitlement, and the employee's right to job restoration is held in abeyance during the light duty period.

Health Insurance and Other Benefits

The city will maintain group health insurance coverage for an eligible employee under the city's group health plan. The city will continue to make its same contribution toward health insurance benefits during the FMLA leave. The employee will continue to be responsible to pay for their portion of these benefits while on leave.

### **Returning to Work After the FMLA Leave**

In most circumstances, as outlined in the law, upon return from FMLA leave, an employee is restored to the employee's original job, or an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. Employees who are unable to return to work and have exhausted their 12 weeks of FMLA leave (or 26 workweeks as applicable) in the designated 12 week (or 26 week as applicable) period no longer have FMLA protections of leave or job restoration.

#### Fitness for Duty Certification:

The city may require a fitness for duty certification before an employee out on FMLA can return to work. If an employee is advised that a medical certificate of fitness for duty to return to work is required and the employee fails to provide the certification, or fails the fitness for duty exam, reinstatement may be denied or delayed until the certification is submitted. The city may require an employee to furnish a fitness-for-duty certificate up to once every 30- days if the employee has used intermittent leave during that period and reasonable safety concerns exist.

### **Additional Provisions Related to Servicemembers**

Effective January 28, 2008, the National Defense Authorization Act amends FMLA to grant additional leave for the active duty of, and the need to care for, a covered servicemember under certain circumstances. The following requirements apply to a FMLA leave in those circumstances, in addition to the general FMLA leave requirements.

### **Qualifications and Circumstances**

#### Leave because of a Qualifying Exigency

An employee who has worked a minimum of 1250 hours within the previous twelve month period may be absent from work up to 12 work weeks in any 12-month period for a qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is called to active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

#### A qualifying exigency involves one or more of the following circumstances:

- (1) Short notice deployment;
- (2) Military events and related activities;
- (3) Childcare and school activities – when as a result of a covered military member's active duty or call to active duty status, the covered employee is required to arrange for alternative childcare arrangements, provide childcare on an urgent, immediate basis, enroll or transfer a child to a new school or daycare center, or attend meetings with staff at a school or daycare facility;
- (4) Financial and legal arrangements – a covered employee may take leave to make financial or legal arrangements that address the covered military member's absence while on active duty or call to active duty status;
- (5) Counseling
- (6) Rest and recuperation – a covered employee may take up to five days of leave to spend

with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. The employee is entitled to five days of leave for each instance of rest and recuperation leave up to a maximum of 12 weeks in a 12-month period;

- (7) Post-deployment activities – for example, to attend arrival ceremonies, reintegration briefings; and/or
- (8) Additional activities – if agreed upon by the city and the employee.

Leave to Care for a Covered Servicemember with a Serious Injury or Illness:

An employee who has worked a minimum of 1250 hours within the previous twelve month period and who is the spouse, son, daughter, parent, or next of kin of a “covered servicemember”, may be absent from work up to 26 workweeks of leave during a 12-month period to care for the servicemember who has suffered a serious injury or illness while on active duty (“Servicemember Family Leave”). This leave is only available during a single 12-month period. During the single 12-month period, an eligible employee is entitled to a combined total of no more than 26 workweeks of leave for both the Family Active Duty Leave and the Servicemember Family Leave.

The term “covered servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

The term “serious injury or illness” in the case of a member of the Armed Forces (including the National Guard or Reserves) means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

The term “next of kin” means the nearest blood relative other than a spouse, parent, son or daughter, with priority given to blood relatives who have been granted legal custody, followed by brothers and sisters, grandparents, aunts and uncles, and first cousins. The next of kin can also be designated in advance by a servicemember.

FMLA and Military Related Leaves:

An eligible employee is entitled to a combined 26 workweeks of leave for any FMLA qualifying reason during the single 12-month period that begins when an employee first takes leave to care for a covered servicemember. However, leave is still limited to 12 workweeks for all other FMLA qualifying reasons.

When leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition during a single 12-month period, the city will designate the leave as military caregiver leave, not as a leave to care for a family member with a serious health condition.

**Employee Responsibilities for Military Related Leaves**

When the necessity for Family Active Duty Leave is foreseeable, whether because the spouse, son, daughter, or parent, of the employee is on active duty, or because of notification of an impending

call or order to active duty in support of a contingency operation, the employee must provide such notice to the employer as is reasonable and practicable.

The city may require that a request for Family Active Duty Leave be supported by a certification issued at such time and in such manner as the Secretary of Labor may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee must provide, in a timely manner, a copy of such certification to the employer.

The city may require that a request for Servicemember Family Leave be supported by a certification issued by the health care provider of the servicemember being cared for by the employee.

### **Supervisor Guidelines for FMLA and Military Related Leaves**

There are administrative responsibilities required by the Family and Medical Leave Act, and the city is required to provide notification to employees who request FMLA leave and/or are absent from work due to a serious health issue. The human resources division will provide the employee with the appropriate notification regarding their rights under FMLA. Supervisors are required to:

- Forward all employee requests for family and medical leave to the human resources manager as soon as they are received.
- Report to human resources any absences of more than three days that are due to illness or injury or to attend to a family member with a serious health condition. A serious health condition is an illness, injury, impairment (physical or mental) that involves any period of incapacity and/or continuing treatment (more than one visit) with a health care provider.
- Code time sheets using the correct FMLA codes.
- Forward any medical certifications and physicians' statements, additional FMLA requests and return to work slips to human resources.
- Refer employees who have questions regarding FMLA to human resources.

A supervisor may ask an employee on leave to contact the supervisor on a regular basis (weekly) to keep the supervisor apprised of the employee's situation. The supervisor also has the right to ask the employee if he/she plans to return to work after the leave is completed.

### **Reasonable Unpaid Work Time for Nursing Mothers**

Nursing mothers will be provided reasonable unpaid break time for nursing mothers to express milk for nursing her child for one year after the child's birth. The city will provide a room (other than a bathroom) as close as possible to the employee's work area, that is shielded from view and free from intrusion from coworkers and the public and includes access to an electrical outlet, where the nursing mother can express milk in private.

### **Light Duty/Modified Duty Assignment**

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

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

When an employee is unable to perform the essential requirements of his/her job due to a temporary disability, he/she will notify the supervisor in writing as to the nature and extent of the disability and the reason why he/she is unable to perform the essential functions, duties, and requirements of the position. This notice **must** be accompanied by a physician's report containing a diagnosis, current treatment, and any work restrictions related to the temporary disability. The notice must include the expected time frame regarding return to work with no restrictions, meeting all essential requirements and functions of the City's job description along with a written request for light duty. Upon receipt of the written request, the supervisor is to forward a copy of the report to the City Administrator.

The City may require a medical exam conducted by a physician selected by the City to verify the diagnosis, current treatment, expected length of temporary disability, and work restrictions.

It is at the discretion of the City Administrator whether or not to assign light duty work to the employee. Although this policy is handled on a case-by-case basis, light duty will not generally be approved beyond six months.

If the City offers a light duty assignment to an employee who is out on worker's compensation leave, the employee may be subject to penalties if he/she refuses such work. The City will not, however, require an employee who is otherwise qualified for protection under the Family and Medical Leave Act to accept a light duty assignment.

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

### **Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy**

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

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

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

**Comment [JM29]:** LMC Template language



## **PERFORMANCE REVIEWS**

### **Performance Reviews**

An objective performance review system will be established by the city administrator or designee for the purpose of periodically evaluating the performance of city employees. The quality of an employee's past performance will be considered in personnel decisions such as promotions, transfers, demotions, terminations and, where applicable, salary adjustments.

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

During the training period, informal performance meetings should occur frequently between the supervisor and the employee. Conducting these informal performance meetings provides both the supervisor and the employee the opportunity to discuss what is expected, what is going well and not so well.

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

## **SEXUAL HARASSMENT PREVENTION**

### **General**

The City of Cannon Falls is committed to creating and maintaining a work place free of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964 and the Minnesota Human Rights Act.

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

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

### **Definitions**

To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on Minnesota Statute § 363.01, subdivision 41, is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:

- 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.

Examples of inappropriate conduct include but are not limited to: unwanted physical contact; unwelcome sexual jokes or comments; sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behavior. In summary, sexual harassment is the unwanted, unwelcome and repeated action of an individual against another individual, using sexual overtones as a means of creating stress.

### **Expectations**

The City of Cannon Falls recognizes the need to educate its employees on the subject of sexual harassment and stands committed to providing information and training.

All employees are expected to treat each other and the general public with respect and to assist in fostering an environment that is free from unwanted harassment. Violations of this policy may

result in discipline, including possible termination. Each situation will be evaluated on a case-by-case basis.

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

1. Immediate supervisor;
2. City administrator;
3. Mayor or city councilmember.

In addition to notifying one of the above persons and stating the nature of the harassment, the employee is also encouraged to take the following steps:

1. Make it clear to the harasser that the conduct is unwelcome and document that conversation.
2. Document the occurrences of harassment.
3. Submit the documented complaints to your supervisor, city administrator, mayor, or any member of the City Council. Employees are strongly encouraged to put the complaint in writing.
4. Document any further harassment or reprisals that occur after the initial complaint is made.

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

The city will take action to correct any and all reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation. All allegations will be investigated. Strict confidentiality is not possible in all cases of sexual harassment as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible.

Any employee who makes a false complaint or provides false information during an investigation may be subject to disciplinary action, up to and including termination.

### **Retaliation**

The City of Cannon Falls will not tolerate retaliation or intimidation directed towards anyone who makes a complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

## **RESPECTFUL WORKPLACE POLICY**

### **Intent**

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The city acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

### **Applicability**

Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all city personnel including regular and temporary employees, volunteers paid or unpaid, and City Council members.

### **Abusive Customer Behavior**

While the city has a strong commitment to customer service, the city does not expect that employees accept verbal abuse from any customer. An employee may request that a supervisor intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact.

If there is a concern over the possibility of physical violence, a supervisor should be contacted immediately. When extreme conditions dictate, 911 may be called. Employees should leave the area immediately when violence is imminent unless their duties require them to remain. Employees must notify their supervisor about the incident as soon as possible.

### **Types of Disrespectful Behavior**

The following types of behaviors cause a disruption in the workplace and are, in many instances, unlawful:

#### **Violent behavior:**

includes the use of physical force, harassment, bullying or intimidation.

#### **Discriminatory behavior:**

includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance.

#### **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.

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

**Sexual harassment:**

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

- 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.
- 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.

**Names and Pronouns:**

Every employee will be addressed by a name and by pronouns that correspond to the employee’s gender identity. A court-ordered name or gender change is not required.

**Possession and Use of Dangerous Weapons**

Possession or use of a dangerous weapon is prohibited on city property, in city vehicles, or in any personal vehicle, which is being used for city business. This includes employees with valid permits to carry firearms.

The following exceptions to the dangerous weapons prohibition are as follows:

- Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from

view within a locked unattended personal vehicle while that person is working on city property.

- A person who is showing or transferring the weapon or firearm to a police officer as part of an investigation.
- Licensed Peace Officers on or off duty, or employees who are in possession of a weapon or firearm in the scope of their official duties.

### **Employee Response to Disrespectful Workplace Behavior**

Employees who believe that disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below. However, if the allegations involve violent behavior, sexual harassment, or discriminatory behavior, then the employee is responsible for taking one of the actions below. If employees see or overhear a violation of this policy, they are encouraged to follow the steps below.

**Step 1(a).** Politely, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions. Politely request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

**Step 1(b).** If you fear adverse consequences could result from telling the offender or if the matter is not resolved by direct contact, go to your supervisor or city administrator. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter no later than ten business days after your report.

**Step 1(c).** In the case of violent behavior, all employees are required to report the incident immediately to their supervisor, city administrator, or Police Department. Any employee who observes sexual harassment or discriminatory behavior, or receives any reliable information about such conduct, must report it within two business days to a supervisor or the city administrator.

**Step 2.** If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the city administrator or the mayor.

### **Supervisor's Response to Allegations of Disrespectful Workplace Behavior**

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

In the case of sexual harassment or discriminatory behavior, a supervisor must report the allegations within two business days to the city administrator, who will determine whether an investigation is warranted. A supervisor must act upon such a report even if requested otherwise by the victim. In situations other than sexual harassment and discriminatory behavior, supervisors will use the following guidelines when an allegation is reported:

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

**Step 2.** If a formal investigation is warranted, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The person being interviewed may have someone of his/her own choosing present during the interview. 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 3.** The supervisor must notify the city administrator about the allegations.

**Step 4.** As soon as practical after receiving the written or verbal complaint, the alleged policy violator will be informed of the allegations. The alleged violator will have the opportunity to answer questions and respond to the allegations.

**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.

### **Special Reporting Requirements**

When the supervisor is perceived to be the cause of a disrespectful workplace behavior incident, a report will be made to the city administrator who will assume the responsibility for investigation and discipline.

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

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

Pending completion of the investigation, the city administrator may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

### **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).

### **Retaliation**

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

## SEPARATION FROM SERVICE

### **Resignations**

Employees wishing to leave the city service in good standing must provide a written resignation notice to their supervisor, at least ten (10) working days before leaving. Exempt employees must give thirty (30) calendar days' notice. The written resignation must state the effective date of the employee's resignation or retirement.

Unauthorized absences from work for a period of three consecutive work days may be considered as resignation without proper notice.

Failure to comply with this procedure may be cause for denying the employee's severance pay and any future employment with the city.

### **Severance Pay**

Employees leaving the city in good standing will receive 100 percent of their vacation leave balance as compensation (applicable taxes will be withheld). Employees have the option of directing those dollars into a 457 deferred compensation plan (subject to IRS maximum deferral regulations and Minnesota law).

The City Council by Resolution may create HCSP employee groups, which would address the payout at termination or retirement in good standing earned sick leave for specific group employees.

When a full-time leadership team employee provides notice to separate from employment with the City, the employee will have the option to elect to have up to sixty percent (60%) of accrued and unused vacation leave converted to a cash payout at the current wage (applicable taxes will be withheld). The employee has the option of directing those dollars into a 457 deferred compensation plan (subject to IRS maximum deferral regulations and Minnesota law). This request for payment must be made before the next paycheck issued after notice. Such payment will be made before calculating the balance of unused time for any HCSP transfers.

Employees not covered by an HCSP Resolution who leave the employ of the City in good standing by retirement or resignation will receive pay for 100% of unused accrued vacation. At termination or retirement in good standing earned sick leave will be paid out as follows:

Less than 10 years of full-time service – an amount equal to 25% of unused balance will be placed into a recognized Health Savings Account.

10 – 19 years of full-time service – an amount equal to 35% of unused balance will be placed into a recognized Health Savings Account.



More than 20 years of full-time service – an amount equal to 50% of unused balance will be placed into a recognized Health Savings Account.

## **DISCIPLINE**

### **General Policy**

Supervisors are responsible for maintaining compliance with city standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City of Cannon Falls. City employees will be subject to disciplinary action for failure to fulfill their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable city policies.

Discipline will be administered in a non-discriminatory manner. An employee who believes that discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures established in the city's personnel policies. The supervisor and/or the city administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

### **No Contract Language Established**

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

### **Process**

The city may elect to use progressive discipline, a system of escalating responses intended to correct the negative behavior rather than to punish the employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any city employee has a contractual right or guarantee (also known as a property right) to the job he/she performs.

Documentation of disciplinary action taken will be placed in the employee's personnel file with a copy provided to the employee.

The following are descriptions of the types of disciplinary actions:

### **Oral Reprimand**

This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors have the ability to issue oral reprimands without prior approval.

Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice that the performance or behavior needs to change, and what the change must be. The supervisor will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

### **Written Reprimand**

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected or the behavior has not consistently improved in a reasonable period of time. Serious infractions may require skipping either the oral or written reprimand, or both. Written reprimands are issued by the supervisor with prior approval from the city administrator.

A written reprimand will: (1) state what 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.

### **Suspension With or Without Pay**

The city administrator may suspend an employee without pay for disciplinary reasons. Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans 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.

### **Demotion and/or Transfer**

An employee may be demoted or transferred if attempts at resolving an issue have failed and the city administrator determines a demotion or transfer to be the best solution to the problem. The employee must be qualified for the position to which they are being demoted or transferred. The City Council must approve this action.

**Salary**

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

**Dismissal**

The city administrator, with the approval of the City Council, may dismiss an employee for substandard work performance, serious misconduct, or behavior not in keeping with city standards.

If the disciplinary action involves the removal of a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

## GRIEVANCE PROCEDURE

### Grievance Procedure

Any dispute between an employee and the city relative to the application, meaning or interpretation of these personnel policies will be settled in the following manner:

**Step 1:** The employee must present the grievance in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated and the remedy requested, to the proper supervisor within twenty-one (21) days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within seven (7) calendar days. **Management employees shall skip step one and begin at step 2.**

**Comment [JM30]:** Recommended by City Attorney.

**Step 2:** If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the Personnel Policies allegedly violated, and the remedy requested, by the employee to the city administrator within seven (7) days after the supervisor's response is due. The city administrator or his/her designee will respond to the employee in writing within seven (7) calendar days. The decision of the city administrator is final for all disputes with exception of those specific components in a performance evaluation subject to a challenge through the Minnesota Department of Administration.

### Waiver

If a grievance is not presented within the time limits set forth above, it will be considered "waived." If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the city's last answer. If the city does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the city and the employee without prejudice to either party.

### Not Grievable

The following actions are not grievable:

1. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not.
2. Pay increases or lack thereof; and
3. Merit pay awards.

The above list is not meant to be all inclusive or exhaustive.

## **EMPLOYEE ONGOING EDUCATION & TRAINING**

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

### **Policy**

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

### **Job-Related Training & Conferences**

The subject matter of the training session or conference is directly job-related and relevant to the performance of the employee's work responsibilities. Responsibilities outlined in the job description, annual work program requirements and training goals and objectives that have been developed for the employee will be considered in determining if the request is job-related. CLE or similar courses taken by an employee in order to maintain licensing or other professional accreditation will not be eligible for payment under this policy unless the subject matter relates directly to the employee's duties, even though the employee may be required to maintain such licensing or accreditation as a condition of employment with the city.

The supervisor and the city administrator are responsible for determining job-relatedness and approving or disapproving training and conference attendance.

### **Job-Related Meetings**

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

### **Request for Participation in Training & Conferences**

The request for participation in a training session or conference must be submitted to the employee's supervisor, on an appropriate form, if used by the department. All requests must include an estimate of the total cost (training session, travel, meals, etc.) and a statement of how the education or training is related to the performance of the employee's work responsibilities with the city.

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

### **Out of State Travel**

Attendance at training or conferences out of state is approved only if the training or conference is not available locally. All requests for out of state travel are reviewed for approval/disapproval by the city administrator.

### **Compensation for Travel & Training Time**

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

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

### **Memberships and Dues**

The purpose of memberships to various professional organizations must be directly related to the betterment of the services of the city. Normally, one city membership per agency, as determined by the city administrator is allowed, providing funds are available.

Upon separation of employment, individual memberships remain with the city and are transferred to another employee by the supervisor.

### **Travel & Meal Allowance**

If employees are required to travel outside of the area in performance of their duties as a city employee, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. However, the city will not reimburse employees for meals connected with training or meetings within city limits, unless the training or meeting is held as a breakfast, lunch or dinner meeting.

Employees who find it necessary to use their private automobiles for city travel and who do not receive a car allowance will be reimbursed at the prevailing mileage rate as established by the City Council, not to exceed the allowable IRS rate.

Expenses for meals, including sales tax and gratuity, will be reimbursed according to this policy. No reimbursement will be made for alcoholic beverages.

## OUTSIDE EMPLOYMENT

### Outside Employment

The potential for conflicts of interest is lessened when individuals employed by the City of Cannon Falls regard the city as their primary employment responsibility. All outside employment is to be reported to the employee's immediate supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the city administrator. Any city employee accepting employment in an outside position that is determined by the city administrator to be in conflict with the employee's city job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

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

- 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.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of his/her position.
- The employee must not use city equipment, resources or staff in the course of the outside employment.
- The employee must not violate any city personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which 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.
- No employee will work for another employer, or for his/her own business, while using paid sick leave from the city for those same hours.
- Departments may establish more specific policies as appropriate, subject to the approval of the city administrator.

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

## DRUG FREE WORKPLACE

### Drug Free Workplace

The City of Cannon Falls prioritizes the health and safety of all its employees, including but not limited to the prevention of injury to employees and citizens. In accord with this priority, the City seeks to maintain an environment free from the effects of alcohol and/or illegal drug use. Each City Department with safety-sensitive positions or with another articulated need shall establish, maintain, and update as needed a department-specific Drug Free Workplace Policy & Procedures supplement. Such supplement shall be made available to every covered employee. Administration of each department's Drug Free Workplace Policy & Procedures shall be entrusted to the department head, subject to the advice and oversight, as necessary, of the City Administrator.

**Comment [JM31]:** Modified by Personnel Committee on 11-15-16.



## CITY DRIVING POLICY

### **Driver's License Required**

This policy applies to all employees who drive a vehicle on city business, whether driving a city-owned vehicle or their own personal vehicle. The city expects all employees who are required to drive as part of their job to have a valid driver's license and to drive safely and legally while on city business and to maintain a good driving record.

The city will examine driving records once per year for all employees who are covered by this policy to determine compliance with this policy. Employees who lose their driver's license or receive restrictions on their license are required to notify their immediate supervisor on the first 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.

### **Seatbelt Policy**

Seatbelt use is required by Minnesota law. All City employees operating or riding in a motor vehicle while working shall utilize installed seatbelts. An employee operating a motor vehicle, whether personal or City-owned, while working shall ensure that all occupants are utilizing seatbelts. Sworn peace officers may be exempted from this requirement as provided by law or Police Department policy. For more information on the unique circumstances of this exemption, consult the Police Department Policy Manual

**Comment [JM32]:** Modified by Personnel Committee on 11-15-16

## CELLULAR PHONE USE

### General Policy

City issued cellular telephones are intended for the use of city employees in the conduct of their work for the city. Supervisors are responsible for the cellular telephones assigned to their employees and will exercise discretion in their use.

Employees that are issued and required to carry the city cell phone with them because of their job duties and the need to reach them day or night, may if they wish use that phone for personal use provided that:

- Its use in no way limits the conduct of work of the employee or other employees.
- No personal profit is gained or outside employment is served.

Nothing in this policy will limit supervisor discretion to allow reasonable and prudent personal use by employees that are not required to carry the city phone when not working of such telephones or equipment provided that:

- Its use in no way limits the conduct of work of the employee or other employees.
- No personal profit is gained or outside employment is served.

An employee will not be reimbursed for business-related calls on a personal phone without prior authorization from his/her supervisor. Supervisors may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

Use of public resources by city employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action which may include termination and/or criminal prosecution, depending on the circumstances. Incidental and occasional personal use may be permitted with the consent of the supervisor.

### Procedures

It is the objective of the City of Cannon Falls to prevent and correct any abuse or misuse of cellular telephones through the application of this policy. Employees who abuse or misuse such telephones may be subject to disciplinary action.

### Cell Phone Use While Driving

The City of Cannon Falls prioritizes the safety of all its employees, including but not limited to the encouragement of safe driving by employees and citizens. In accord with this priority, the City prohibits the use of cellular telephones or other handheld electronic devices to make or receive phone calls, text messages or other mobile applications, except for location/GPS applications not requiring input to provide directions while operating a motor vehicle whether personal or City-

owned, while the employee is working. Sworn peace officers may be exempted from this requirement as provided by law or Police Department policy. For more information on the unique circumstances of this exemption, consult the Police Department Policy Manual.

**Comment [JM33]:** Language modified by Personnel Committee on 11-15-16

## **COMPUTER / ELECTRONIC MEDIA USE**

### **General Policy**

The City of Cannon Falls electronic media usage policy is designed to provide clear guidelines to City of Cannon Falls Employees regarding access to, and disclosure of, computer, network, telephone and facsimile systems. Employees increasingly use electronic forms of communication and information exchange, and have access to one or more forms of electronic media and services (computer, email, telephones, voice mail, fax machines, external electronic bulletin boards, on-line services, and the Internet).

### **Public Property**

The City encourages the use of these media and associated services, because they make communication more efficient and effective, and because they are valuable sources of information. However, electronic media, data, and services provided by the City are City owned and publicly funded, and their purpose is to facilitate City business. The City Council authorizes the use of the Internet and on-line services for the support of all City tasks. The use of the Internet is public and a privilege, not a right, and may be revoked at any time for unacceptable use.

### **Procedures**

With the rapidly changing nature of electronic media, and the “netiquette” which is developing among users of external on-line services and the Internet, this policy cannot lay down rules to cover every possible situation. Instead, it expresses the City’s philosophy and sets forth general principles to be applied to use of electronic media, data, and services.

The following procedures apply to all electronic media, data, and services, which are:

- A) Accessed on or from City premises;
- B) Accessed using City computer equipment, or via City-paid access methods;
- C) Used in a manner that identifies the individual with the City.

### **Inappropriate Material**

Electronic media may not be used for knowingly transmitting, retrieving or storage of any communications of a discriminatory or harassing nature, or which are derogatory to any individual or group, or which are obscene or sexually explicit, or are of a defamatory or threatening nature, or for “chain letters,” or for any other purpose which is illegal or against City policy or detrimental to the City’s reputation. Electronic media may not be used for personal use relating to political, religious, or personal financial profit.

### **Personal Use Limitations**

Electronic media and services are primarily for City business use. Limited, occasional or incidental use of electronic media (sending or receiving) for personal, non-business purposes done on the Employee’s personal time is understandable and acceptable – as is the case with personal phone calls. However, Employees need to demonstrate a sense of responsibility and may not abuse the privilege. Such personal use must not consume large amounts of City resources.

Employees using electronic media and services for personal use waive any claims to privacy regarding that usage. Any costs incurred by the City due to personal use must be paid by the Employee. Excessive personal use will be determined by the individual Employee's supervisor, and may subject the Employee to disciplinary action.

### **Software**

Personal software can significantly impact the operation of City equipment. Consequently, the installation and use of privately owned software is allowed only when approved in advance by the City Administrator. This includes downloading software from internet sites. Games are not considered to be appropriate software for City computer equipment. If allowed, all personal software, including screensavers and shareware, must be legally purchased and properly licensed to the Employee. A copy of the license must be located in the Employee's office. Personal software and data may be removed without warning at any time. The City is not responsible for the back-up or recovery of files associated with personal software. If it is suspected that a personal software package is the cause of a problem with any City software, it may be removed without warning.

### **Individual Privacy**

The City also reserves the right, in its discretion, to review any Employee's electronic files, messages and usage to the extent necessary to ensure that electronic media and services are being used in compliance with the law and with this and other City policies. Employees should therefore not assume electronic communications are private and confidential and should transmit highly sensitive information in other ways. Employees should be aware that any data stored may be subject to government data practices laws which make the text accessible to the public.

### **Respect**

Employees must respect the confidentiality of other people's electronic communications and may not attempt to read, "hack" into other systems or other people's accounts, or "crack" passwords, or breach computer or network security measures, or monitor electronic files or communications of other Employees or third parties except by explicit direction of City management.

### **Copyrights**

Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner. Also, network users shall not delete, examine, copy or modify files and/or data belonging to other users, without their prior consent.

### **Passwords / Security**

The City Administrator reserves the right to override passwords and codes at any time. If the City Administrator requests an Employee's password(s), then the password(s) must be disclosed. Any password used on the system shall be used for the protection of the City of Cannon Falls, not the Employee, and as such will not preclude the City, as the operator of the network, from rightfully entering the network or any other messaging system at any time to review, copy or delete any file or disclose any such file to others.

### **Responsibility**

No email or other electronic communications (including facsimile messages) may be sent which attempt to hide the identity of the sender, or represent the sender as someone else or from another organization. Employees are responsible for all electronic messages originating from a computer operating under his/her password.

### **Excessive Usage**

Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system. Continued impedance of other users through mass consumption of system resources, after receipt of a request to cease such activity, is prohibited. The willful or careless introduction of programs known as computer viruses into the City's network or into any external networks or computers can cause such excessive computer usage or even damage a system and so would be a violation of this policy.

### **Data Retention**

Generally, electronic messages are temporary communication which are non-vital and may be discarded routinely in accordance with the City's record retention policy. However, depending on the content of the email message, it may be considered a more formal record and should be retained pursuant to a department's record retention schedules. Examples of messages of this nature are: Policy, decision-making, or other memoranda of specific public business. As such, these email messages are similar to printed communication and should be written with the same formality.

### **Questions Regarding Policy**

City Employees who have concerns or are uncertain about ethical, legal or security issues regarding the use of data communications tools are expected to discuss their concerns with their supervisor who will act as the Employee's first point of contact.

### **Integrity**

Part of the responsibility of the City Administrator is to insure the integrity of City data (an asset). Therefore, the City Administrator, in consultation with the City Attorney, will resolve and answer any questions about this Acceptable Use Policy or its interpretation. Until such issues are resolved, questionable use should be considered "not acceptable". Questions of interpretation should be submitted, in writing, to the City Administrator. Final authority for this Acceptable Use Policy lies with the City Council.

### **Policy Violations**

Clear violations of the policy which are not promptly remedied may result in the expulsion of the offending Employee from the City's network services in addition to disciplinary action, and consistent with the Personnel Policy or appropriate bargaining unit agreement.

## **SAFETY**

### **Safety**

The health and safety of each employee of the city and the prevention of occupational injuries and illnesses are of primary importance to the city. To the greatest degree possible, management will maintain an environment free from unnecessary hazards and will establish safety policies and procedures for each department. Adherence to these policies is the responsibility of each employee. Overall administration of this policy is the responsibility of each supervisor.

### **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.

### **Safety Equipment/Gear**

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

### **Unsafe Behavior**

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

### **Access to Gender-Segregated Activities and Areas**

With respect to all restrooms, locker rooms or changing facilities, employees will have access to facilities that correspond to their affirmed gender identity, regardless of their sex at birth. The city maintains separate restroom and/or changing facilities for male and female employees and allows employees to access them based on their gender identity.

In any gender-segregated facility, any employee who is uncomfortable using a shared facility, regardless of the reason, will, upon the employee's request, be provided with an appropriate alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, the city will not require a transgender or gender diverse employee to use a separate, nonintegrated space, unless requested by the transgender or gender diverse employee, because it may publicly identify or marginalize the employee as transgender.

Under no circumstances may employees be required to use sex-segregated facilities that are inconsistent with their gender identity.

**Acknowledgement and Receipt of City of Cannon Falls  
Personnel Policy Handbook**

I, the employee listed below, am an employee of the City of Cannon Falls and have received either a printed copy or instructions of how to access the electronic version of the City of Cannon Falls Personnel Policy Handbook with an issue date of December 2016.

I understand that this is the latest version of the handbook, and that it supersedes and replaces all previous versions or policies issued previously unless expressly referred to by this handbook. It is my responsibility to be familiar with its content and to comply with the City of Cannon Falls Personnel Policy Handbook and City Policies.

Printed Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

**Comment [JM34]:** New section to the policy to ensure supporting documentation that all employees have received the policy.